

**INDEX OF A REGULAR MEETING
FORT LAUDERDALE CITY COMMISSION
JUNE 6, 2000**

<u>Agenda Item</u>	<u>Reso./Ord. No.</u>	<u>Page(s)</u>
OB	Presentations:	
	1. Expressions of Sympathy	1
	2. Smoke Detector Test	2
	3. Commendation – Daniel T. Hobby	2
	4. Annual Telephone Book Recycling Project Awards	2
	5. “Cashing In: Small Business Incentives 2000 Day”	2
	6. “Parents Organized to Prevent Separation Day” “Responsible Fatherhood Month”	3
	7. Outstanding City Employees of the Month	3
CA	Consent Agenda	3
M-1	Event Agreement – Church of the Intercession Fundraiser	3
M-2	Event Agreement – 13 th Annual Las Olas Art Fairs	4
M-3	Event Agreement – Get Downtown	4
M-4	Disbursement of Funds – Joint Investigation – O.R. No. 99-112110 - \$1,983.69	4
M-5	Transfer of General Fund Contingencies – Contribution for Broward Committee for U.S. Soccer National Training Center	4
M-6	Grant Agreement – Florida Fish and Conservation Wildlife Committee – Derelict Vessel Removal Program	5
M-7	Contract Award – AKA Services, Inc. – Project 9394 – Replacement of Utilities at Cordova Road/Lauderdale Harbours	5 & 14
M-8	Community Development Block Grant (CDBG) Program Amendment – Unused Nonprofit Acquisition and Improvement Loan (NAIL) Funds to Enterprise Zone Loan Program	5
M-9	Contract Award – Youngquist Brothers – Project 10235 – Fiveash Well Abandonment and Relocation	5
M-10	Change Order No. 1 – The Redland Company – Project 9956 – Northwest 15 th Avenue Road Improvements	6
M-11	Change Order No. 4 – Molloy Brothers, Inc. – Project 9920B – Annual Contract (2000/2001) Sanitary Sewer and Storm Sewer Repairs	6
M-12	Change Order No. 3 – All Florida Engineering Contractors, Inc. – Project 9932 – Dorsey Riverbend Improvements, Phase III	6
M-13	Enterprise Zone Target Loan – McKinley Financial Services, Inc.	6 & 15
M-14	Change Order No. 2 – R.L. Saum Construction Co., Inc. – Project 15190 – George English Park	7

Index of a Regular Meeting
June 6, 2000
Page Two

<u>Agenda Item</u>	<u>Reso./Ord. No.</u>		<u>Page(s)</u>
M-15		CCNA Contract Negotiations for Design/Build Services – Recreational Design and Construction, Inc. – Project 15170 and 15210 – Aquatic Facilities at Croissant Park and Lauderdale Manors Park	7
M-16		Change Order No. 3 – Coastal Contracting and Development, Inc. – Project 15300 – Bass Park's DeGraffenreidt Center Addition	7
M-17		Perpetual Easement – Florida Department of Transportation (FDOT) Easement Agreement – State Road A-1-A/Seabreeze Boulevard along Western Edge of the South Beach Parking Lot	7 & 15
M-18		Task Order No. 1, Amendment No. 1 – Westin Engineering – Project 00260 – Fiveash Wellfield SCADA System/Additional Construction Services	8
M-19		Contract Award – F & L Construction, Inc. – Project 10250 – FY 2000/2001 Annual Contract and Paver Stones Repair Contract	8
M-20		General Liability Settlement – File No. GL 97-580B (Wanda Mullins) - \$35,000	13 & 16
M-21		Lien Settlements for Code Enforcement and Special Master Cases	13 & 17
Pur. 1		GSA Bid – Uninterruptible Power Supply	9
Pur. 2		Proprietary – Maintenance of System 85 Telephone System	9
Pur. 3		Proprietary – Upgrade to BuySpeed Software/ Interface to FAMIS Accounting Software	9
Pur. 4		Bid 502-8281 – Two-Year Contract for Public Parking Lot Cleaning Services	10
Pur. 5		Bid 502-8310 – Approval to Open Late Proposals for HOPWA Funding Requests	10 & 16
Pur. 6		Bid 202-8307 – Three-Year Contract for Foreign Trade Zone Marking and Administration	10
Pur. 7		Broward Co-Op – One-Year Contract – Photographic Film	11
Pur. 8		GSA Bid – Xerox 8830DDS Printer/Copier/Scanner	11
Pur. 9		Bid 702-8230 – Consultant Services – Sanitation Rate Study	11 & 16
Pur. 10		Payment for Emergency Repair of Turbine Expander	12
Pur. 11		Broward Co-Op – Temporary Personnel Services	12
PH-1	C-00-28	Amendment to Ordinance No. C-85-77 – Comcast Corporation One-Year Extension of Cable Television Franchise Agreement	18
PH-2	00-65	Application for Dock Waiver of Limitations – Lauderdale Marine Center, Inc. – 2001 Southwest 20 th Street	19

Index of a Regular Meeting
June 6, 2000
Page Three

<u>Agenda Item</u>	<u>Reso./Ord. No.</u>		<u>Page(s)</u>
PH-3	Recessed	City Commission Call-Up for Review – Application to Continue a Nonconforming Use – National Lift Truck Service/Charlie Frymer, Inc. (ARC Case No. 16-NC-99)	21
PH-4A		Appeal Historic Preservation Board's Denial of a Certificate of Appropriateness – The Salvation Army, Inc. (HPB Case No. 4-H-00)	25
PH-4B	Withdrawn	Rezone RMM-25 to CB – The Salvation Army, Inc. (PZ Case No. 32-ZR-99)	29
PH-5A	Denied	Application of ULDR Section 47-26.A.1 – L'Ambiance Beach Ltd. (PZ Case No. 67-R-99)	29
PH-5B	Withdrawn	Site Plan Approval/Modification of Yards/ Conditional Use/RMH-60 – L'Ambiance Beach Ltd. (PZ Case No. 67-R-99)	37
O-1	C-00-26	Amend Sections 47-12, 47-23.6, 47-24 and 47-25 – Central Beach Districts and Permitted Use Change to the PRD, ABA, IOA, SBMHA, NBRA and SLA Zoning Districts	37
O-2	C-00-27	Amendment to Chapter 2 – Lobbying Activities/Registration	38
R-1	00-66	Broward County Planning Council – Recertification of City Future Land Use Map and Text for Northwest Regional Activity Center (NW-RAC) Land Use Designation	40
R-2	00-67	Agreements – State of Florida Department of Education and School Board of Broward County – Summer Food Service Program	41
R-3	00-68	Designation of State Road A-1-A as a Florida Scenic Highway	41
R-4	00-69	Increase Scope of Services – Wickwire Gavin, P.C. Project 9285 – Environmental Protection Agency (EPA) Grant Disputes – Compost Plant	42
R-5	A-00-16	Special Assessment – Project 9733 – BridgeSide Square Beautification/Revitalization Special Assessment Project	42
R-6	A-00-17	Schedule Public Hearing – Special Assessment – Project 9733 – BridgeSide Square Beautification/ Revitalization Special Assessment Project	43
R-7	00-70	Lot Clearing and Cleaning Charges	43
R-8	00-71	Building Board-Up and Securing Charges	44
R-9	00-72	Executive Airport – Supplemental Joint Participation Agreement (JPA) – Florida Department of Transportation (FDOT) – Perimeter Road Drainage and Access Improvements	45
R-10	00-75	Amendment to Approved Yard Modification – Jackson Tower East (PZ Case No. 90-R-97)	45 & 47

Index of a Regular Meeting
June 6, 2000
Page Four

<u>Agenda Item</u>	<u>Reso./Ord. No.</u>		<u>Page(s)</u>
R-11	00-73	Amendment to Approve Site Plan/Expansion of Broward County Convention Center (PZ Case No. 5-R-99)	46
R-12	00-74	Declare Public Necessity to Acquire Hyde Park Market Property	46
OB		Legal Fees – City View	17
OB		Event Agreement – Community Uplift	18
OB	00-75	Advisory Board Appointments	48

**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
JUNE 6, 2000**

Meeting was called to order at 6:12 P.M. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present:	Commissioner Gloria F. Katz Commissioner Carlton B. Moore Commissioner Cindi Hutchinson Commissioner Tim Smith Mayor Naugle
----------	---

Absent:	None
---------	------

Also Present:

City Manager	F. T. Johnson
City Attorney	Dennis E. Lyles
City Clerk	Lucy Masliah
Sergeant at Arms	Sgt. Waldman

Invocation was offered by *Rabbi Menachem Wilhelm*, Chabad Lubavitch of Fort Lauderdale.

Pledge of Allegiance to the Flag.

Motion made by Commissioner Smith and seconded by Commissioner Moore that the agenda and minutes of the meeting as shown below be approved:

Regular Meeting May 16, 2000

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle.
NAYS: none.

NOTE: All Items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

1. Expressions of Sympathy

Mayor Naugle presented Expressions of Sympathy, on behalf of the City Commission, to the families of *Ada Maude Shover* and *Welcom H. Watson, Jr.*

2. Smoke Detector Test

Commissioner Smith demonstrated the proper method of testing the batteries in a smoke detector and encouraged everyone at home to do the same.

3. Commendation – Daniel T. Hobby

Mayor Naugle read aloud and presented a Commendation to *Daniel T. Hobby* in recognition of his many accomplishments and contributions to historic preservation in Fort Lauderdale. He advised that this commendation would be a part of the City's official historical record. Mayor Naugle pointed out that everyone in Fort Lauderdale relied on Mr. Hobby whenever information about the history of the area was needed. He thanked Mr. Hobby for serving the City and the Historical Society so well for so long.

Mr. Hobby said it had been his pleasure to work closely with the City, and he had never doubted the sincerity of any of the Commissioners or employees with whom he had worked over the years. He recalled attending his first Commission meeting when Virginia Young, Bob Cox and Clay Shaw were on the Commission, and Fort Lauderdale had done well in its efforts to save landmarks, structures and memories that were important to the community. Mr. Hobby expressed his appreciation for this recognition.

4. Annual Telephone Book Recycling Project Awards

Commissioner Hutchinson presented the annual Telephone Book Recycling Project Awards. She stated that this project was handled in conjunction with the schools, the neighborhoods, and the Recycling Corps. This year, nine schools had participated collecting over 30,000 phone books equaling 60 tons. Commissioner Hutchinson pointed out that 1 ton of paper saved 3,700 pounds of lumber, 24,000 gallons of water, and 17 trees. She presented Awards to:

Sunset Elementary School	\$ 49
Walker Elementary School	\$ 85
Lauderdale Manors Elementary School	\$ 90
Croissant Park Elementary School	\$171
North Fork Elementary School	\$241
Bennett Elementary School	\$245
Harbordale Elementary School	\$266
Northside Elementary School	\$267
Bayview Elementary School	\$389 plus \$500 from BellSouth

5. "Cashing In: Small Business Incentives 2000 Day"

Commissioner Katz read aloud and presented a Proclamation declaring June 8, 2000 as "Cashing In: Small Business Incentives 2000 Day" in the City of Fort Lauderdale in order to promote business development throughout the community, and particularly in the Enterprise Zone. Ms. Eve Baser, of the Economic Development Department, accepted the Proclamation, and Mayor Naugle executed the agreement for The Hubzone (Historically Underutilized Business Zone) with *Mr. Dave Jackson*, Chief Education and Training Officer for the United States Air Force's Outreach Program.

Mr. Jackson explained that the Hubzone Program was the first federal program ever targeted to places rather than faces. It did not deal with company ownership but with economically distressed areas, and it was meant to place federal contracts into such areas. He stated this program would create jobs because it required that each and every employer in a Hubzone employ at least 35% of their employees from the Hubzone itself. Mr. Jackson was very pleased that Fort Lauderdale supported the program, and he wanted to thank Economic Development Department staff.

6. "Parents Organized to Prevent Separation Day"
"Responsible Fatherhood Month"

Commissioner Moore read aloud and presented a Proclamation declaring June 17, 2000 as "Parents Organized to Prevent Separation Day" and another declaring June, 2000 as "Responsible Fatherhood Month" in the City of Fort Lauderdale. *Mr. Robert Pierre* accepted both Proclamations on behalf of the Urban League. Commissioner Moore expressed appreciation to the Urban League for stepping up and recognizing these needs in the community.

7. Outstanding City Employees of the Month

The City Manager introduced Department Directors to present the Outstanding City Employees of the Month:

- Officers Jeffrey Feldewert and Thomas Ferri, and PSA Bryan Brooks, of the Police Department;
- Team from Parking Services Division, of the Administrative Services Department;
- Bob Baker, Bill Crouch, and Clara Bennett, of the Community and Economic Development Department;
- Carol Clifford, of the Parks & Recreation Department; and
- Firefighter/Paramedics Lazo and Simac, Driver-Engineer Jeff Pereny, and Firefighter Ray Underwood, of the Fire-Rescue Department.

CONSENT AGENDA (CA)

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item. Observations were made as shown. The following statement was read:

CONSENT AGENDA

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

Event Agreement – Church of the Intercession Fundraiser

(M-1)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Episcopal Church of the Intercession** to indemnify, protect, and hold harmless the City from any liability in connection with the **Church of the Intercession Fundraiser** to be held **Saturday, June 10, 2000 from 10:00 a.m. to 7:00 p.m.** on Church property located at 501 N.W. 17 Street.

Recommend: Motion to approve.

Exhibit: Memo No. 00-786 from City Manager.

CONSENT AGENDA

Event Agreement – 13th Annual Las Olas Art Fairs**(M-2)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Las Olas Association** to indemnify, protect, and hold harmless the City from any liability in connection with the **13th Annual Las Olas Art Fairs** to be held **Saturday, September 2, 2000 from 10:00 a.m. to 9:00 p.m. and Sunday, September 3, 2000 from 10:00 a.m. to 5:00 p.m.; Saturday and Sunday, January 6 and 7, 2001, and Saturday and Sunday, February 3 and 4, 2001 from 10:00 a.m. to 5:00 p.m.**; and further authorizing the closing of East Las Olas Boulevard from S.E. 6 Avenue to S.E. 11 Avenue; and S.E. 8 Avenue, S.E. 9 Avenue, and S.E. 10 Terrace from East Las Olas Boulevard to the alleys on the north and south sides from 4:30 a.m. each event Saturday to 10:00 p.m. each event Sunday.

Recommend: Motion to approve.**Exhibit:** Memo No. 00-579 from City Manager.**Event Agreement – Get Downtown****(M-3)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Riverwalk Fort Lauderdale Inc.** to indemnify, protect, and hold harmless the City from any liability in connection with **Get Downtown** to be held **Friday, October 13, 2000 from 5:00 p.m. to 11:00 p.m.** at Las Olas Riverfront.

Recommend: Motion to approve.**Exhibit:** Memo No. 00-723 from City Manager.**Disbursement of Funds –****Joint Investigation – O.R. No. 99-112110 - \$1,983.69 U.S. Currency****(M-4)**

A motion authorizing the equitable disbursement of funds for O.R. No. 99-112110, with each participating law enforcement agency to receive \$116.68.

Recommend: Motion to approve.**Exhibit:** Memo No. 00-5-3 from Police Legal Advisor.**Transfer of General Fund Contingencies –****Contribution for Broward Committee for U.S. Soccer National Training Center****(M-5)**

A motion authorizing the transfer of \$25,000 from General Fund Contingencies to Community and Economic Development account PED030301/4207 (Promotional Contribution) to provide a contribution for the Broward Committee for the U.S. Soccer National Training Center.

Funds: See Memo**Recommend:** Motion to approve.**Exhibit:** Memo No. 00-784 from City Manager.

CONSENT AGENDA

**Grant Agreement – Florida Fish and Conservation
Wildlife Committee – Derelict Vessel Removal Program****(M-6)**

A motion authorizing the proper City officials to apply for a Derelict Vessel Removal Grant from the Florida Fish and Wildlife Conservation Committee, Division of Law Enforcement, for funding for removal of an abandoned vessel located on the **North Fork of the New River directly southwest of the Broward Boulevard Bridge**; and further authorizing the proper City officials to execute all documents necessary to receive such grant funding.

Recommend: Motion to approve.**Exhibit:** Memo No. 00-787 from City Manager.**Contract Award – AKA Services, Inc. -
Project 9394 – Replacement of Utilities at Cordova Road/Lauderdale Harbours****(M-7)**

A motion authorizing the proper City officials to execute an agreement with AKA Services, Inc. in the amount of \$2,955,200 for the replacement of utilities at Cordova Road/Lauderdale Harbours area.

Funds: See Memo**Recommend:** Motion to approve.**Exhibit:** Memo No. 00-737 from City Manager; and
Memo No. 00-656 from City Manager.**Community Development Block Grant (CDBG)
Program Amendment – Unused Nonprofit Acquisition
And Improvement Loan (NAIL) Funds to Enterprise Zone Loan Program****(M-8)**

A motion authorizing the proper City officials to reprogram \$323,956 of CDBG funds from the NAIL Program to the Enterprise Zone Loan Program; and further authorizing the proper City officials to execute all documents necessary to amend and utilize these funds.

Recommend: Motion to approve.**Exhibit:** Memo No. 00-795 from City Manager.**Contract Award – Youngquist Brothers -
Project 10235 – Fiveash Well Abandonment and Relocation****(M-9)**

A motion authorizing the proper City officials to execute an agreement with Youngquist Brothers in the amount of \$297,525 for the Fiveash well abandonment and relocation project.

Funds: See Memo**Recommend:** Motion to approve.**Exhibit:** Memo No. 00-790 from City Manager.

CONSENT AGENDA

**Change Order No. 1 – The Redland Company -
Project 9956 – N.W. 15 Avenue Road Improvements****(M-10)**

A motion authorizing the proper City officials to execute Change Order No. 1 with The Redland Company in the amount of \$10,467.70 for additional work under the N.W. 15 Avenue road improvements project.

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 00-728 from City Manager.

**Change Order No. 4 – Molloy Brothers, Inc. – Project 9920-B -
Annual Contract (2000/2001) Sanitary Sewer and Storm Sewer Repairs****(M-11)**

A motion authorizing the proper City officials to execute Change Order No. 4 with Molloy Brothers, Inc. in the amount of \$53,195 for additional work under the annual contract for sanitary sewer and storm sewer repairs, emergency repair work due to the force main between **Hibiscus Place and Pump Station D-39**.

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 00-768 from City Manager.

**Change Order No. 3 – All Florida Engineering
Contractors, Inc. - Project 9932 – Dorsey Riverbend Improvements, Phase III****(M-12)**

A motion authorizing the proper City officials to execute Change Order No. 3 with All Florida Engineering Contractors, Inc. in the amount of \$9,660.60 for additional work under the contract for Dorsey Riverbend Improvements, Phase III.

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 00-729 from City Manager.

Enterprise Zone Target Loan – McKinley Financial Services, Inc.**(M-13)**

A motion authorizing an Enterprise Zone (EZ) Target Loan in the amount of \$212,600 to McKinley Financial Services, Inc. to purchase and renovate property located 545-551 North Andrews Avenue.

Recommend: Motion to approve.

Exhibit: Memo No. 00-760 from City Manager.

CONSENT AGENDA

Change Order No. 2 – R. L. Saum Construction Company, Inc. – Project 15190 – George English Park**(M-14)**

A motion authorizing the proper City officials to execute Change Order No. 2 with R. L. Saum Construction Company, Inc. in the amount of \$952,686 for additional work at George English Park.

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 00-736 from City Manager.

CCNA Contract Negotiations for Design/Build Services - Recreational Design and Construction, Inc. – Projects 15170 and 15210 – Aquatic Facilities at Croissant Park and Lauderdale Manors Park**(M-15)**

A motion approving the Consultant Selection Committee's recommendation to commence contract negotiations with Recreational Design and Construction, Inc. for design/build services for the aquatic facilities at Croissant Park and Lauderdale Manors Park.

Recommend: Motion to approve.

Exhibit: Memo No. 00-670 from City Manager.

Change Order No. 3 – Coastal Contracting and Development, Inc. – Project 15300 – Bass Park's DeGraffenreidt Center Addition**(M-16)**

A motion authorizing the proper City officials to execute Change Order No. 3 with Coastal Contracting and Development, Inc. in the amount of \$9,352.25 for additional work at Bass Park DeGraffenreidt Center Addition project.

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 00-734 from City Manager.

Perpetual Easement – Florida Department of Transportation (FDOT) Easement Agreement – State Road A-1-A/ Seabreeze Boulevard Along Western Edge of the South Beach Parking Lot**(M-17)**

A motion authorizing the proper City officials to execute an easement agreement with FDOT for traffic signalization, street lighting, curb and gutter upgrades to be constructed on State Road A-1-A/Seabreeze Boulevard along the western edge of the South Beach parking lot.

Recommend: Motion to approve.

Exhibit: Memo No. 00-731 from City Manager.

CONSENT AGENDA

**Task Order No. 1, Amendment No. 1 – Westin Engineering -
Project 00260 – Fiveash Wellfield SCADA System/Additional Construction Services (M-18)**

A motion authorizing the proper City officials to execute Task Order No. 1, Amendment No. 1, with Westin Engineering, in the amount of \$64,816 for additional construction services for the Fiveash Wellfield SCADA System.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 00-789 from City Manager.

**Contract Award – F & L Construction, Inc. -
Project 10250 – FY 2000/2001 Annual Concrete and Paver Stones Repair Contract (M-19)**

A motion authorizing the proper City officials to execute an agreement with F & L Construction, Inc. in the amount of \$146,185 for the FY 2000/2001 Annual Contract for Concrete and Paver Stones Repairs.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 00-769 from City Manager.

PURCHASING AGENDA

Bid No.	Item/Service	Low Responsible Bidder	Amount
			<u>Pur-1</u>
GSA	Purchase of uninterruptible power supply Admin. Services/Info. Systems	National Power Corporation Ft. Lauderdale, FL	\$ 55,139.00 (estimated)

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-741 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve purchase from GSA Contract.

			<u>Pur-2</u>
Prop	Six month extension of proprietary maintenance agreement for System 85 telephone system Admin. Services/Info. Systems	Lucent Technologies Pompano Beach, FL	\$ 34,000.00 (estimated)

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-453 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve proprietary purchase.

			<u>Pur-3</u>
Prop	Purchase of upgrade to BuySpeed software/interface to FAMIS accounting software Admin. Services & Finance	Workflow Intergrators, Inc. Austin, TX	\$ 40,000.00 (estimated)

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-782 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve proprietary purchase.

PURCHASING AGENDA

Bid No.	Item/Service	Low Responsible Bidder	Amount
502-8281	Two year contract for public parking lot clean up services Admin. Services/Parking	Hines Nursery & Landscape, Inc. Ft. Lauderdale, FL	<u>Pur-4</u> \$157,850.00 (estimated annual)

Bids Solicited/Received: 25/5 with 1 no bid

Exhibits: Memorandum No. 00-717 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve contract award to first ranked proposer.

302-8310	Approval to open late proposals for HOPWA funding requests CED	Broward House, Inc. Ft. Lauderdale, FL Shadowood II, Inc. Ft. Lauderdale, FL	<u>Pur-5</u>
----------	---	---	--------------

Bids Solicited/Received: 27/8

Exhibits: Memorandum No. 00-721 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve opening of late proposals.

202-8307	Three year contract for Foreign Trade Zone Marketing & Administration CED/Executive Airport	IMS Worldwide, Inc. Houston, FL	<u>Pur-6</u> \$ 160,000.00
----------	--	------------------------------------	-------------------------------

Bids Solicited/Received: 12/1 with 2 no bids

Exhibits: Memorandum No. 00-758 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Award to single proposer.

PURCHASING AGENDA

<u>Bid No.</u>	<u>Item/Service</u>	<u>Low Responsible Bidder</u>	<u>Amount</u>
			<u>Pur-7</u>
Broward Co-Op	One year contract for various photographic film	Dixie Sales Company USA, Inc. Jacksonville, FL (35 mm)	\$ 35,100.00
	Police & City wide	HPI International, Inc. Brooklyn, NY (Polaroid)	<u>7,700.00</u>
			\$ 42,800.00 (estimated)

Bids Solicited/Received: 38/19 with 1 no bid

Exhibits: Memorandum No. 00-742 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve purchase from Broward Co-Op Contract.

			<u>Pur-8</u>
GSA Contract	Purchase of Xerox 8830DDS printer/copier/scanner	Saxon Business Systems Miami Lakes, FL	\$ 35,515.00
	Public Services/Engineering		

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-669 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve purchase from GSA Contract.

			<u>Pur-9</u>
702-8230	Purchase of consultant services to perform a sanitation rate study	DMG-Maximus, Inc. Tallahassee, FL	\$ 38,100.00

Bids Solicited/Received: 177/2 with 1 no bid

Exhibits: Memorandum No. 00-667 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Award to first ranked proposer.

PURCHASING AGENDA

<u>Bid No.</u>	<u>Item/Service</u>	<u>Low Responsible Bidder</u>	<u>Amount</u>
	Approve payment for emergency repair of turbine expander Public Services	Air Products and Chemicals, Inc. Allentown, PA	<u>Pur-10</u> \$ 38,988.00

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-727 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve payment of emergency repair.

			<u>Pur-11</u>
Broward Co-Op	Purchase of temporary personnel services Citywide	Tri-State Employment Services New York, NY Atrium Personnel Ft. Lauderdale, FL Westaff Services Ft. Lauderdale, FL	\$ 50,000.00 (estimated additional expense)

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-683 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve purchase from Broward Co-Op Contract.

MOTIONS

Those matters included under the Motions category differ from the Consent Agenda in that items will be voted on individually. In addition, presentations will be made on each motion item if so desired.

General Liability Settlement -**File No. GL 97-580B (Wanda Mullins) - \$35,000****(M-20)**

A motion authorizing the settlement of General Liability File No. 97-580B for \$35,000 (Wanda Mullins).

Recommend: Motion to approve.

Exhibit: Memo No. 00-798 from City Manager.

Lien Settlements for Code Enforcement and Special Master Cases**(M-21)**

A motion authorizing the settlement of the following Code Enforcement Board and/or Special Master cases:

1. Case No. 90-763 – Robert D’Avanzo, 928 N.E. 20 Avenue (\$5,000)
2. Case No. CE99010588 – Sky Motel, 1515-1531 S.W. 26 Street (\$8,000)
3. Case No. 93-1174 – Lovie Holmes, 424 N.W. 23 Avenue (\$5,000)
4. Case No. CE98040479 – Patricia Fraser, 1507 N.W. 15 Avenue (\$2,500)

Recommend: Motion to approve.

Exhibit: Memo No. 00-640 from City Manager.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson that Consent Agenda Item Nos. M-7, M-13, M-17, Pur. 5 and Pur. 9 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda Items be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Contract Award – AKA Services, Inc. –
Project 9394 – Replacement of Utilities at
Cordova Road/Lauderdale Harbours (M-7)**

Mr. Hector Castro, City Engineer, explained that bids had been received on April 19, 2000, and the contract award had been deferred from the last meeting because a bid protest had been filed. He stated that there had been some irregularities in the bid of the low bidder as detailed in the back-up memorandum distributed in connection with this item.

Mr. Ira Libanoff, representing Telcon, Inc., the second low bidder, said a fairly lengthy bid protest letter had been submitted to the City. He stated that the bid of AKA Services was non-responsive and clearly in contravention of the bid documents and instructions to bidders. Mr. Libanoff said page 1.B.2 of the bid documents related to causes for rejection, and there was no dispute that the bid submitted by AKA Services had not provided all of the information requested. It had not included a \$149,500 mobilization item, which was the very first item in the bid. He believed that omission rendered the bid informal under the City's definitions and, therefore, should not have been accepted or considered.

Mr. Libanoff advised that despite this clear error, staff had recommended award of the contract to AKA Services. He stated that when one added the line items in this bid, it came to \$2,825,000. However, the recommended award was in the amount of \$2,955,000. Therefore, the additional \$149,500 mobilization cost left out of the bid was being included in the recommended award.

Mr. Libanoff stated that AKA Services had filed a response to the bid protest, and it had referred to omission of the mobilization cost as an oversight, a minor omission, and a minor irregularity. However, he felt failure to include the price of mobilization was not minor, nor an oversight. He pointed out that \$149,500 represented 5% of the bid amount, which was also the amount of a bid bond, so that could not be considered minor.

Mr. Libanoff felt this came down to a question of the integrity of the City's documents and instructions v. dollars and cents. In the response file by AKA Services, it had been brought out that there was a \$200,000+ difference between its bid and the second low bid. He did not dispute that issue, and it had been pointed out that the Commission was entitled to waive minor irregularities. Mr. Libanoff acknowledged the importance of saving tax dollars, but it was clear the low bidder had not conformed with the bid requirements. Further, the recommendation actually awarded the low bidder an extra \$149,500.

Mr. Libanoff thought the City should enforce its bid documents and not look solely at the cost. He did not think it was appropriate to allow bidders a "second chance look" at bids, and it was his position that the low bid was non-responsive. However, if the Commission was inclined to follow staff's recommendation, he felt an award should be made in the actual bid amount rather than the higher amount if savings was the primary issue.

Mr. Bill Salim, Attorney representing AKA Services, stated that a substantial response had been filed to the protest, and there had been an oversight in failing to complete the mobilization item. He explained that item had been intended as a “fill in” of the balance of the bid. Mr. Salim stated that if the bid items were added, the total was \$2,955,000 except for the mobilization unit, so the total bid amount was not being changed. Mr. Salim agreed there had been an omission of one line item, but the total amount had not been changed.

Mr. Salim stated that the bid documents specifically allowed the City to waive minor irregularities, and AKA Services had acknowledged the oversight and the fact that it rendered the bid informal. However, that did not render the bid nonresponsive, and the City had reserved the right to waive any informality to obtain the lowest price. Mr. Salim pointed out that the irregularity allowed no competitive advantages to AKA Services because the bottom line price had always been the same. He also pointed out that the low bid was \$200,000 lower than the second low bid, and public policy was promoted by accepted the low bid. Mr. Salim requested that the City Commission waive the irregularity and award the contract to AKA Services.

The City Manager stated that staff was satisfied that the irregularity was just that and stood by the recommendation to award this contract to AKA Services. Commissioner Moore disclosed that the company he worked for had used Mr. Salim’s services in the past, although he did not believe it was a conflict of interest.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson that Consent Agenda Item No. M-7 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Enterprise Zone Target Loan –
McKinley Financial Services, Inc. (M-13)**

Commissioner Moore said he had pulled this item because he had a conflict of interest and intended to abstain from voting on this item.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson that Consent Agenda Item No. M-13 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Perpetual Easement – Florida Department of
Transportation (FDOT) Easement Agreement –
State Road A-1-A/Seabreeze Boulevard Along
Western Edge of the South Beach Parking Lot (M-17)**

Motion made by Commissioner Smith and seconded by Commissioner Moore that Consent Agenda Item No. M-17 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Bid 302-8310 – Approval to Open Late Proposals
for HOPWA Funding Requests (Pur. 5)**

Commissioner Moore asked if there were any other late proposals. He understood the Broward House proposal had come in late. Mr. Kirk Buffington, Purchasing Manager, advised that the proposal from Broward House and Shadowood. Commissioner Moore understood it was a joint proposal. Mr. Buffington said that was his understanding, but staff had not been able to open two parts of the proposal, so he could not be absolutely certain. He added that five or six other proposals had been submitted.

Commissioner Moore asked if any explanation had been offered for the late submission. Mr. Buffington replied that a written explanation had been submitted. He explained that the proposals had been very voluminous and coming from different parts of the organization. Therefore, parts of the proposal had been delivered on time while others had been late. Mr. Buffington stated that one part had been delivered to the HOPWA Supervisor rather than to the Purchasing Division, and another had come late because it had been delivered separately. Commissioner Moore understood one part had gone to the wrong City department, but it had been delivered on time. Mr. Buffington agreed that was correct.

Commissioner Moore was concerned about compromising the integrity of the process. However, this grant had impact on a lot of individuals. Mr. Buffington felt the integrity of the process was extremely important, and he always gave late proposals serious consideration. In this case, he did not believe the process was compromised in any way. He believed it was in the best interests of the City and the community being served that the proposal at least be opened.

Motion made by Commissioner Moore and seconded by Commissioner Smith that Consent Agenda Item No. Pur. 5 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Bid 702-8230 – Consultant Services –
Sanitation Rate Study (Pur. 9)**

Commissioner Moore asked how many firms had been represented at the pre-bid conference held in connection with the Sanitation Rate Study. Mr. Kirk Buffington, Purchasing Manager, believed three representatives had attended the pre-bid conference. He noted that although 177 invitations to submit proposals had been sent, that did not mean all of the firms were qualified to perform this type of specialized study. Commissioner Smith felt this study was necessary because he had received complaints about the fairness of the rate structure.

Motion made by Commissioner Smith and seconded by Commissioner Moore that Consent Agenda Item No. Pur. 9 be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**General Liability Settlement –
File No. GL 97580B (Wanda Mullins) - \$35,000 (M-20)**

A motion was presented authorizing the settlement of General Liability File No. 97-580B for \$35,000 (Wanda Mullins).

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to approve the settlement of General Liability File No. GL 97-580B (Wanda Mullins) in the amount of \$35,000. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Lien Settlements for Code Enforcement and Special Master Cases (M-21)

A motion was presented authorizing the settlement of the following Code Enforcement Board and/or Special Master cases:

1. Case No. 90-763 – Robert D'Avanzo, 928 Northeast 20th Avenue - \$5,000.
2. Case No. CE99010588 – Sky Motel, 1515-1531 Southwest 26th Street - \$8,000
3. Case No. 93-1174 – Lovie Holmes, 424 Northwest 23rd Avenue - \$5,000.
4. Case No. CE98040479 – Patricia Fraser, 1507 Northwest 15th Avenue - \$2,500.

Mayor Naugle understood the proposed settlements had been accepted by the property owners involved. Ms. Lori Milano, Community Inspections Bureau, agreed that was correct.

928 Northeast 20th Avenue

Commissioner Smith the fine in this case should be forgiven. He stated that this case dated back to the days when the priorities of citizens were not being enforced. Commissioner Smith said this property had been cited for having a canopy over some tables at the back of a restaurant, and he thought it would be more fair to reduced the fine to \$0. He did not feel it had been fair to cite this violation in the first place, and it had caused a multitude of problems in the owner's family.

Mayor Naugle noted that there had been costs incurred in handling the case and suggested a \$500 settlement. Commissioner Smith felt that would be reasonable. Commissioner Moore asked how much expense had been incurred by the City. Ms. Milano stated that the case dated back to 1991, and there had been a long list of violations cited originally. Commissioner Moore suggested a \$2,500 settlement.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to settle Case No. 90-763 for \$2,500. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the remaining settlements as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Legal Fees – City View (OB)

Commissioner Moore felt each party should pay one-third of the costs through mediation. The City Attorney stated that the legal fees had been set at not to exceed \$10,000, and not to exceed an additional \$5,000 as the City's contribution toward mediation costs as discussed during the earlier Conference meeting. At this time, it was within the Commission's discretion to modify the idea any way desired.

Commissioner Moore felt each party should participate in one-third of the mediation costs, and pay the \$10,000 legal fees. It was agreed.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve an expenditure of \$10,000 for legal fees in connection with the City View matter and to contribute one-third of the mediation costs. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Event Agreement – Community Uplift (OB)

Mr. Tom Tapp, Director of Parks & Recreation, stated that Community Uplift proposed an event on Northwest 19th Street from June 7 through 25, 2000 on private property. He explained that the intent of the event was to stem the tide of drug abuse, alcoholism and teenager rebellion.

Ms. Marsha Goldsby, Lauderdale Manors Homeowners Association, hoped the City Commission would allow the event. However, due to complaints about noise, she hoped the City would do whatever was necessary to address noise problems. Commissioner Moore stated that this was a worthy event, but he felt there should be some constraints on noise. If there were any noise complaints that could not be immediately addressed, he felt the event should be canceled. In the future, Commissioner Moore hoped the event would be held further away from residences.

Motion made by Commissioner Moore and seconded by Commissioner Smith to approve this event as discussed. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Amendment to Ordinance No. C-85-77 – Comcast Corporation
One-Year Extension of Cable Television Franchise Agreement (PH-1)

A public hearing was scheduled to consider an amendment to Ordinance No. C-85-77 to grant Comcast Corporation a one-year extension of the cable television franchise agreement with the City. Notice of the public hearing was published on May 25 and June 1, 2000.

Mayor Naugle called for those who wished to be heard. There were none.

Motion made by Commissioner Moore and seconded by Commissioner Smith that the public hearing be closed. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Commissioner Katz suggested a six-month extension of the agreement. Mayor Naugle said he would support that term. Mr. Bruce Larkin, Director of Administrative Services, felt a one-year extension would be prudent because staff was waiting for a transfer to take place from Comcast to AT&T. He advised that some adjustments in the franchise had been made, and this extension would afford the time necessary to go through the transfer. Afterwards, there would be an extensive renegotiation process with Comcast's successor, AT&T, and staff would present a long-term agreement to the Commission.

Mayor Naugle felt a one-year term would allow the companies involved to delay the transfer further, and he thought it would be a good idea to keep the pressure on because the City suffered as long as Comcast remained the franchise holder. He wanted this contract in the hands of a company willing to provide the services that were promised to the City over two years ago.

Commissioner Moore understood the City would be receiving several thousand dollars in consideration of this agreement, and he did not want to waive that consideration. Mr. Larkin explained that the new definition of gross revenues would result in an additional \$180,000 coming to the City. He also added that there was a desire to provide additional services, and the cable consultant was working with two firms interested in an "overbuild" in Fort Lauderdale so competitive pressures would be brought to bear on Comcast and AT&T.

Mr. Adrian Herbst, the City's cable consultant, anticipated the transfer to be triggered during the latter part of the summer. Once triggered, under the law, there was a four-month period to complete the transfer. Therefore, he did not believe a six-month extension would be sufficient. He believed the City would have good leverage during the transfer process to update, modernize and modify the franchise agreement. He understood the concern, but he did not believe this extension would have any adverse impact on the City. Further, if the extension proved too short, the agreement would have to be extended again.

Commissioner Smith suggested a nine-month term. Mr. Herbst noted that the document also included provision for month-to-month extensions, if necessary, and he hoped that would remain in place. It was agreed.

Commissioner Smith introduced the following ordinance on first reading, as amended:

ORDINANCE NO. C-00-28

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE AMENDING ORDINANCE NO. C-85-77 RELATING TO THE FRANCHISE GRANTED BY THE CITY OF FORT LAUDERDALE, FLORIDA TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM OVER AND BENEATH THE PUBLIC STREETS AND OTHER PUBLIC PROPERTY OF THE CITY OF FORT LAUDERDALE PROVIDING THAT FRANCHISEE, COMCAST CORPORATION SHALL ENTER INTO AN AMENDMENT AND EXTENSION TO THE AMENDED FRANCHISE AGREEMENT WITH THE CITY TO EXTEND THE TERM OF THE EXISTING FRANCHISE FOR A LIMITED PERIOD; AMENDING THE DEFINITIONS OF "ANNUAL GROSS REVENUES" AND "AMENDED FRANCHISE AGREEMENT"; ALTERING THE MANNER OF PAYMENT OF FEES; AND ADDRESSING ISSUES SUBJECT TO FINAL DETERMINATION SUCH AS NON-DISCRIMINATORY ACCESS TO THE CABLE SYSTEM AND PASS-THROUGH COSTS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Application for Dock Waiver of Limitations –
Lauderdale Marine Center, Inc. – 2001 Southwest 20th Street (PH-2)**

A public hearing was scheduled to consider a resolution authorizing the proper City officials to waive the limitations of Section 47-19.3(B) and (C) of the Unified Land Development Regulations (ULDR) as provided by Section 47-19.3(D) of the Code of Ordinances in order to allow Lauderdale Marine Center, Inc. to construct 8 concrete floating finger piers and 22 dolphin pilings that extend a maximum distance of approximately 45.9 feet and 69.4 feet, respectively, from the property line into the South Fork of the New River.

Mayor Naugle called for those who wished to be heard. The following appeared:

Ms. Jennifer McDonald, a resident of Southwest 20th Street, felt this marina was taking over the neighborhood. She said she owned three duplexes on 20th Street, and she did not feel the marina should be expanded further.

Mr. Bill Keith, representing the applicant, stated that the marina had been in this location since 1927, and the redevelopment process had been long and difficult. He advised that this was the first he had heard of any concern, and the developer had been working with the neighborhood. Mr. Keith noted that both the Shady Banks and River Oaks Neighborhood Associations had provided written support of the project. Mr. Keith stated that this was not an expansion of the marina and involved only replacement of existing docks. However, he was willing to work with Ms. McDonald.

Mayor Naugle did not believe anything was planned near 20th Street. Mr. Keith agreed that was true.

Motion made by Commissioner Moore and seconded by Commissioner Smith that the public hearing be closed. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Commissioner Hutchinson stated that Mr. Keith had been working closely with the neighborhood, and she hoped he would address Ms. McDonald's concerns. She understood there were some traffic concerns, and she asked that Ms. McDonald be brought into the process. Mr. Keith had no objection.

Commissioner Moore recalled discussion about a park opposite the marina on the other side of the waterway. It was his understanding the marina would not have any impact on the north side of the waterway, and he did not know what park had been discussed. Mr. Keith said there was an environmental parcel across the River from the marina, and it was his understanding that the price of the land had been too high, so a park was no longer being considered for acquisition under the Parks Bond Issue.

Commissioner Katz understood there would be reflective tape on the pilings, but she thought better lighting would be appropriate. Mr. Keith stated that much more than reflective tape would be provided. He advised the existing pilings had been removed, and he did not expect anything electrical, but there would be reflectors all the way around the pilings. Mayor Naugle stated that a lot of vessels had spotlights that were used at night.

Commissioner Moore asked if the pilings would be in the same locations as the old pilings. Mr. Keith replied they would be placed within 1' of the previous locations. He displayed a slide showing the area of submerged land that had been leased in 1987, and it showed the locations of the previous pilings and the proposed pilings.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 00-65

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, WAIVING THE LIMITATIONS OF SECTION 47-19.3.B & C OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE TO ALLOW LAUDERDALE MARINE CENTER, A FLORIDA GENERAL PARTNERSHIP TO CONSTRUCT AND MAINTAIN EIGHT (8) FLOATING FINGER PIERS AND TWENTY-TWO (22) DOLPHIN PILINGS, MORE PARTICULARLY DESCRIBED BELOW, THAT EXTEND FROM THE PROPERTY LINE INTO THE SOUTH FORK OF NEW RIVER FOR THE PROPERTY LOCATED AT 2001 S.W. 20TH STREET AND LEGALLY DESCRIBED BELOW.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

City Commission Call-Up for Review – Application to Continue a Nonconforming Use – National Lift Truck Service/Charlie Frymeyer, Inc. (ARC Case No. 16-NC-99) (PH-3)

A public hearing was scheduled to consider an application to continue a nonconforming use of the National Lift Truck Service (owner)/Charlie Frymeyer, Inc. (tenant) property located at 201 Northwest 20th Avenue. On April 11, 2000, the City Commission voted 5 to 0 to hold such public hearing on June 6, 2000.

Mayor Naugle called for those who wished to be heard. There were none.

Motion made by Commissioner Moore and seconded by Commissioner Smith that the public hearing be closed. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Mayor Naugle said he had called up this item for review because he had seen a lot of earth moving and trees being removed or relocated. He had observed some diesel fuel tanks being stored on the property near the drainage ditch that led directly to the North Fork of the New River as well, without any retaining berms. Mayor Naugle was concerned about potential leaks, and there was a lot of equipment being stored on the property. It seemed to him that someone was operating a storage yard without meeting current Code requirements. Mayor Naugle had asked staff to investigate, and he had learned today that there were many Code violations on the site.

Ms. Liz Holt, Construction Services, stated that Code enforcement personnel had found diesel tanks placed on the property without permits. In addition, some trees had been cut down. She advised that there had not been sufficient time to determine if those trees had been covered by the tree removal permit issued in 1994, however. Nevertheless, the Landscape Inspector had found stumps of an oak tree and a black olive tree, so additional inspections would be necessary. It was Ms. Holt's understanding that a Notice of Violation would be issued with respect to the fuel tanks.

Mayor Naugle asked if paving, drainage, and a retention berm would be required for a storage yard. He thought it might be best to defer this until some type of plan could be presented. Ms. Holt stated that the first stage of this process had entailed a records review. She explained that the use had been denied, and a records review had been conducted to determine there had been no intent to abandon the use. However, permitting would not occur until the second phase of the process.

Commissioner Moore said he had made inquiries about this site some months ago, and he had been informed that nothing was taking place on the property at the time. He stated that this had long been a negative property in the area, so he hoped every review allowed would be undertaken and any Code violations addressed immediately.

Ms. Susan Motley, representing the applicant, stated that National Lift Truck had been in business in Fort Lauderdale since the early 1970s, and this property was adjacent to their existing building and business. She introduced *Mr. Robert Ciano*, President of National Lift Truck, and *Ms. Sarah Stewart*, who had conducted the research with regard to the continuing nonconforming use. Ms. Motley stated there were no residential homes in this area near the Salvation Army complex. She described the surrounding uses. Mayor Naugle pointed out that there were residences directly across the River from the subject property. Ms. Motley agreed that was correct.

Ms. Motley stated that she had not waived her client's right to challenge this consideration tonight because the Code required a call-up within 30 days of the staff decision. She advised that the Notice of Determination had been issued on March 6, 2000. However, the motion to set a public hearing had not been considered until April 11, 2000. She advised that her client had agreed to cooperate, but the 30-day period had been exceeded.

Ms. Motley reported that the determination made by staff had been that the owner had demonstrated there had been no intention of abandoning the previous use. She explained that water had been continuously provided to the site, and there had been continuous efforts to lease the property. Ms. Motley acknowledged that the last date on which there had been an occupational license exceeded the 180-day limit, but the property had been continuously occupied since the last licensed occupant had vacated the property. Therefore, there was no issue with regard to continuation of the nonconforming use.

Ms. Motley understood there might be some Code enforcement issues, and any violations could and would be addressed as necessary. However, the nonconforming use had never been abandoned. She stated that her client had purchased the property on September 9, 1999, but the tenant had been a paving company that had occupied the property since January, 1999. Ms. Motley said the property was zoned B-1, although all the surrounding uses were industrial, and her client had been told he could not obtain an occupational license. At that time, she had been retained to examine the records as to the continuing use. Ms. Motley pointed out that water service had been provided and equipment had been stored continuously, and back-up material had been provided detailing these uses and associated dates.

Ms. Motley referred to the diesel tanks on the property. She had contacted the tenant who said he had been told a permit was not required because the tanks were on a rack. However, if permits were necessary, the owner would ensure the tenant proceeded accordingly. She stated the issue before the Commission tonight was continuation of the nonconforming use, and she reported that there had never been more than a month without a tenant occupying the property.

Commissioner Moore said he differed with everything Ms. Motley had stated. He pointed out that the property had been rezoned, and the nonconforming use should end along the North Fork of the New River. He acknowledged that there might have been people using the property all along, but none of them had been properly licensed to operate. Commissioner Moore understood water had been supplied to the building, but the occupants had not had a right to continue a nonconforming use on the site. He hoped the Commission would deny continuation of this use.

Ms. Motley stated that the Code indicated that people were entitled to continue nonconforming uses unless there had been an abandonment of the use for 180 days or more. She pointed out that City staff had reviewed all of the documentation, which showed there had never been a cessation of the nonconforming use for a six-month period. Therefore, the City Commission did not have a right to determine the use had to be stopped. She stated that the City could make the occupants comply with the Code, but the nonconforming use had never been terminated for 180 days.

Commissioner Moore believed the Code required occupational licenses to operate businesses. Although the property might have been occupied, the tenants had not been operating legally without licensing. Ms. Motley stated that the tenant did not have an occupational license because the City would not issue it.

Mayor Naugle said his problem with this was that there were B-3 or M-1 properties all over the City on which industrial uses were allowed. However, this had been a raw piece of vacant land, and he did not feel it was appropriate to store various types of chemicals and equipment without a building, paving, drainage, etc., to protect the environment. Instead, someone had moved some earth, parked vehicles and stored diesel fuel. Mayor Naugle agreed with Commissioner Moore that "camping out" illegally on the property did not constitute proper continued use.

Commissioner Hutchinson wanted to hear from the City Attorney with regard to Ms. Motley's statements. The City Attorney stated this case was somewhat unusual because other cases usually involved the use of a structure. The question had also involved whether or not the tenant of the property had continued to make appropriate use of the premises, sometimes with and sometimes without all the necessary licenses and zoning approvals. Generally, these cases had involved the use of a structure with approvals continuously.

The City Attorney explained that staff made the determination as to whether or not a use had continued, and the procedure being followed tonight involving Commission call-up was somewhat new. In this particular case, it appeared the property had not been lawfully used for the B-3 uses staff had looked for, although there was evidence that people were doing something on the property more or less continuously, but without permits, site plan approval, or licenses. Ms. Motley advised that there had been licenses issued to tenants from June, 1991 until October, 1998. After that, another tenant had a City license.

Mayor Naugle believed the last license issued might have been issued in error because there had been no inspection, etc. He stated that no one was permitted to run storage yards on vacant, dirt lots. Ms. Motley said it had only been when Mr. Frymeyer had sought a license that he had been told the use could not be continued. She believed the use dated back to 1991, long before the zoning had been changed. Ms. Motley said it was incorrect to indicate that occupational licenses had not been issued for this property because there had been licenses issued as late as 1998.

Commissioner Moore pointed out that even if there had been an occupational license in 1998, that was two years ago. Commissioner Katz agreed with Commissioner Moore and Mayor Naugle, but she thought the Commission was on a "slippery slope," and the question was whether the use had been abandoned. She noted that there was documentation about the payment of water bills, etc., and that was the issue before the Commission. Commissioner Katz stated that even if they did not want this use, she did not think this process could be utilized to terminate the use. It was her understanding that the question was whether or not the use had been ongoing, and there was documentation indicating that it had been.

The City Attorney pointed out that staff had submitted a report about the history of the property and, as of the time the report had been prepared, staff had found nothing indicating the use had been discontinued for 180 days. He wondered if staff had any additional comments or information because that would form the basis of the Commission's decision this evening.

Ms. Cecelia Hollar, Director of Construction Services, said it appeared from the information provided that there were numerous Code violations on the site. However, that did not invalidate the evidence that there had been a continuing use of the property. She acknowledged that there might be items on the property placed there without permits, and the owner would have to obtain after-the-fact permits or remove anything necessary.

The City Attorney stated that one normally considered use of a property as requiring an occupational license for business use but, as to non-conforming uses, the Code merely required that the use had been continued and not voluntarily abandoned, with or without an occupational license. He explained that was really nothing more than a revenue-generating measure rather than a regulatory measure. The City Attorney advised that was one trigger for a review, and lack of a license has often triggered a presumption. However, it appeared that presumption had been rebutted with the submittal of documentation indicating the use had continued unabated but for brief periods of up to a month. He felt the existing record supported staff's recommendation.

Commissioner Smith was concerned because it appeared the City Attorney agreed the owner had a right to continue the use despite other violations. He agreed there were much better uses for property along the New River, but it did not seem prudent for the Commission to deny this use. Commissioner Smith was hopeful there was some other avenue that could be pursued to address this property.

Commissioner Moore believed City staff had done what they were supposed to do. He had called staff when he had noticed earth being moved on the site, and he had learned then that no permits had been requested or issued. Now, although there was no occupational license, they had water, despite the fact that there was no building on the site. Ms. Motley advised the building was to the south. Commissioner Moore noted that there was a lot of vacant property. Ms. Motley stated that there had been no building under construction. She acknowledged there might have been some dirt being moved, but no work had been done without permits.

Commissioner Moore believed that if a property was going to be used for storage, there were certain requirements, including paving, drainage, landscaping, etc. Ms. Motley stated that the owner would comply with the Code. However, the issue before the Commission tonight was the nonconforming use, and documentation had been submitted indicating that the use had never stopped except for very short periods as allowed by the Code.

Mayor Naugle suggested this item be deferred for 60 days to give the owner time to submit a site plan with the proper drainage, landscaping, and buffering of the River. Commissioner Moore thought that was probably a good idea. He also wanted the City Attorney's Office to review the matter further and meet with him and the area civic association.

Commissioner Hutchinson understood the only issue before the Commission tonight was whether or not the use had been discontinued for more than 180 days. The City Attorney advised that was essentially correct, and any Code compliance issues would be addressed independently regardless of the Commission's action tonight. He believed, however, there was something of a gap between what at least two Commissioners had observed and what staff's investigation had revealed. The City Attorney understood Mayor Naugle and Commissioner Moore wanted to defer the matter to give his staff more time to examine the issue even more thoroughly. He suggested this public hearing be recessed.

Ms. Motley noted there had been discussion about the owner seeking permits and moving forward with a site plan. She stated there would be no point in that if this item was deferred. She thought the ultimate purpose of the Commission was to see the site cleaned up, but she did not feel the owner could move forward without knowing the outcome of this issue. Commissioner Moore believed Code enforcement staff could address any violations in the meantime.

Commissioner Smith was concerned that nothing would be done. He wanted some assurances that violations would be addressed. *Mr. Robert Ciano*, property owner, stated that he would have the soil removed immediately and have the tanks removed by the weekend. He explained that there had been 4 abandoned trailer containers and 150 tires on the property when he had purchased it, and he had recently cleaned and cleared the property because there had been some criminal activities. He had also removed a tree that had been cut in half by lightning. Mr. Ciano advised that the dirt was topsoil, but it could be removed.

Mayor Naugle asked where the dirt had come from, and Mr. Ciano replied that a friend had brought it to the site from some construction work he had done. Mayor Naugle pointed out that the dirt was being stored on the banks of the River, and the City had no way of knowing if it was contaminated or not. He stated that this could be toxic fill, and these were environmentally sensitive lands. Mr. Ciano said he would have it removed immediately, and he was willing to do whatever was necessary.

Ms. Motley clarified that the property would be cleaned up, but she did not want anyone to think that permits for drainage or anything else would be sought until the Commission had addressed this item.

Motion made by Commissioner Smith and seconded by Commissioner Moore to recess this public hearing until 6:00 P.M. on July 6, 2000. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Appeal Historic Preservation Board's Denial of a Certificate of Appropriateness – The Salvation Army, Inc. (HPB Case No. 4-H-00) (PH-4A)

A public hearing was scheduled to consider an appeal of the Historic Preservation Board's decision on March 13, 2000 to deny a Certificate of Appropriateness for a proposed community worship and service center.

Applicant: The Salvation Army, Inc.
Request: Certificate of Appropriateness for new construction of
community workshop and service center facility
Location: 843 Southwest 2nd Street

Mayor Naugle stated that this was an appeal of the Historical Preservation Board's denial of an application for a Certificate of Appropriateness for new construction. It was also an application for a rezoning, which included approval of a site plan. Mayor Naugle stated that the rezoning required allocation of flexibility based on the approved site plan, so if the appeal was denied, the rezoning request would be withdrawn.

Mayor Naugle advised that the appeal involved a two-part process. The City Commission would first review the record. Based on that review, the Commission would then determine if there had been a departure from the essential requirements of law or that there had not been competent, substantial evidence to support the decision. If neither criteria was found, the Commission would consider a motion to uphold the decision of the Historic Preservation Board. If such a motion was approved, the matter would be concluded. If not, the new hearing could begin immediately or a resolution adopted setting a date for a new hearing within 60 days.

Mayor Naugle called for those who wished to be heard. The following appeared:

Mr. Mike Ciesielski, Planner II, displayed a map showing the subject site within the Sailboat Bend Historic District. He advised that the ULDR required that any alterations, new construction, demolition or relocation of buildings in the historic district obtain a Certificate of Appropriateness from the Historic Preservation Board. Mr. Ciesielski stated that the Board had unanimously denied this Certificate for construction of a 46,500-square foot community and worship center.

Mr. Ciesielski said that among the reasons cited for the denial of the application, the Board cited visual incompatibility of the proposed buildings with other buildings in this historic district; and, that the contemporary design did not promote a sense of the past. The Board had based its decision on the applicant's site plan, elevations, floor plans, landscape plans, and application, as well as the presentation made on March 13, 2000.

Mr. Mark Ritchie, Consultant representing the applicant, stated that when the applicant submitted a completed application for Historic Preservation Board review, a checklist was provided. The checklist involved various features including exterior covering, windows, walls, fence, roof features, etc., and a number of options was provided for each of these features. He advised that only one item had not been chosen from the listed options, so it appeared only that item required Board approval.

Mr. Ritchie stated that the Board had not addressed the guidelines contained in the Code at all. He felt the relevant Sections of the ULDR did not give that Board the authority to ignore the written guidelines and substitute their own assessment. He thought that since that was the case, the decision could not have been based on competent and substantial evidence. Mr. Ritchie said that the Board had felt the project was not compatible with surrounding properties, but he felt that was an incorrect or incomplete assessment in that the proposed development had not been assessed in its actual context.

Mr. Ritchie explained that given the structures in the immediate proximity, he felt the new church facility could only be an improvement in terms of visual compatibility. He did not think the creation of the Sailboat Bend design guidelines had been intended to require mindless replication of existing structures. Mr. Ritchie believed the guidelines had been intended to allow for innovation in design while incorporating the features required by law.

At 8:23 P.M., Commissioner Moore left the meeting. He returned at 8:25 P.M.

Mr. Oscar Vagi, Architect representing the applicant, displayed some elevations and said that respect for surroundings did not mean bland imitation or design compromises. He felt the design of the community center fulfilled the goals of the historic preservation district and was neighborhood-friendly. Mr. Vagi advised that the project included a chapel, a fellowship hall used for meetings and banquets, a gymnasium, game and exercise facilities, classrooms, a library, a nursery, and an administrative area. He noted that the chapel would establish a gateway to the downtown area and to the neighborhood, extending a gesture of welcome.

Mr. Vagi pointed out that the large gymnasium had been placed along Broward Boulevard, away from residential streets, to enhance the urban significance of the building. He stated that although the Code allowed construction to the property line, the building would be set back from the roadway more than 44' and moved the chapel forward so it would be clearly visible from all directions. The rest of the building facing 9th Avenue was only 15' tall, and landscaping would be provided to address community goals.

Mr. Vagi stated that a large oak tree and a huge banyan tree would be preserved, and a large portion of the parking area would not be paved. He advised that the existing chapel would be renovated and become the fellowship hall, and the existing two-story building would be removed. Mr. Vagi reported that finish materials would be used as established by the historic district design guidelines, and he believed this project could induce further development on Broward Boulevard.

Commissioner Smith referred to photographs submitted by the applicant. *Mr. Chuck Ritchie*, representing the applicant, agreed they were photographs of the existing buildings and surrounding buildings. The Commission wanted to see some elevations of the proposed buildings.

The City Attorney explained that the photographs had not been presented to the Historic Preservation Board, so they were not part of the record. However, the Commission's first task was to determine if there had been competent, substantial evidence to support the decision made by the Board based on the record and if the criteria in the Code had been applied properly. At this time, he did not think it was appropriate to supplement the existing record with additional items.

Mayor Naugle asked if the City Commission could request that the applicant make another presentation to the Historic Preservation Board in order to obtain its support. The City Attorney replied it would be appropriate to submit a supplemental application to the Board.

Mr. Ken Lyuk, Broward Captain for the Salvation Army, stated that the Salvation Army had endeavored to be a good neighbor and work with the neighborhood association. He believed there had been some positive results, including vacation of the alley and demolition of some of the old buildings. Mr. Lyuk believed every effort had been made to clarify the use of the property, and there seemed to be no problem in that respect. He stated that certain adjustments had been made in response to comments from the Historic Preservation Board, although it appeared hearing about those adjustments would not be appropriate at this time.

Mr. Lyuk noted that the larger aspects of the building had been moved to the front of the premises, away from residential areas. Existing mature trees would be maintained and new trees added, so it would be difficult to even see the building from the neighborhood. He advised that there had been very little opposition to the design from the neighborhood, and he believed the Salvation Army had done everything possible in that respect and acted in good faith. Mr. Lyuk believed it would be appropriate for the Commission to make a decision this evening based on the record.

Mr. (Chuck) Ritchie stated that a presentation could be provided this evening if the Commission desired. Mayor Naugle advised that this first step was to focus only on the existing record. Commissioner Katz asked Mr. Ritchie if he could go back to the Historic Preservation Board with his supplemental materials. Mr. Ritchie understood the Commission would retain the ultimate jurisdiction and agreed he could make such a presentation to the Board.

The City Attorney stated that if the record was supplemented, it was entirely possible that the Board could reach a different decision. If a Certificate of Appropriateness were issued, the matter would not come back to the Commission at all. At this point, the City Attorney explained the matter could be returned to the Board with the applicant's agreement so the existing record could be supplemented. If the Certificate was still denied, the applicant could again appeal to the City Commission.

Mr. Ritchie said that the matter could be taken back to the Board, but he did not believe there would ever be a plan everyone in the neighborhood and on the Board would support. He said that substantial changes to the plan had been made after listening to comments from the neighborhood, but he did not think it would ever satisfy everyone. Commissioner Katz understood the Board had not seen those changes, and Mr. Ritchie agreed that was correct. The applicant was willing to go back to the Board to see if the new information might result in a different decision, although he was concerned about the criteria the Board would utilize.

Commissioner Hutchinson wondered how long this would be tied up in the process. She was under the impression the applicant did not want to be delayed for another four months. Mr. Ciesielski advised that the Board would be meeting on July 10, 2000. Mayor Naugle noted the Commission could schedule it for July 18, 2000, if necessary.

Commissioner Hutchinson understood the question before the Commission was whether or not the Board had deviated from the established criteria in rendering its decision. The City Attorney agreed that was one question and another would be whether or not there had been substantial evidence to support its decision. The applicant had some additional information, but the Board had not considered that information. Therefore, to allow the applicant to supplement the record with this information and modifications to the original plan would be expanding the record. He felt it should go back to the Board and, if it came back to the Commission again, it would be with the benefit of this additional information and evidence.

Motion made by Commissioner Smith and seconded by Commissioner Moore to return this matter to the Historic Preservation Board. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Rezone RMM-25 to CB – The Salvation Army, Inc.

(PZ Case No. 32-ZR-99) **(PH-4B)**

This item was not presented due to the action taken by the City Commission under Item PH-4A.

At 8:53 P.M., the meeting was recessed. It was reconvened at 9:03 P.M.

Application of ULDR Section 47-26.A.1 –

L'Ambiance Beach Ltd. (PZ Case No. 67-R-99) **(PH-5A)**

At the March 15, 2000 regular meeting of the Planning & Zoning Board, it was recommended by a vote of 5 to 2 that the following application be approved. Notice of the public hearing was published on May 25 and June 1, 2000.

Applicant:	L'Ambiance Beach Ltd.
Request:	Application of ULDR Section 47-26.A
Location:	4240 Galt Ocean Drive

Mayor Naugle said this matter involved two different items, both related to the construction of a condominium project. The first was a request for application of prior zoning regulations, and the second was an application for modification of yards and conditional use. Since both applications involved a single site plan, Mayor Naugle advised the City Commission would hear testimony applicable to both requests. He explained that at the conclusion of the public hearing, there would be two votes. The first would involve an ordinance approving the application of the prior zoning regulation, and that approval would be subject to approval of yard modifications and conditional use. He explained the City Commission would then consider a resolution approving yard modifications and conditional use. If the first application, however, was denied, there would be no basis on which to vote, and the second item would be withdrawn.

Mayor Naugle called for those who wished to be heard. Having affirmed to speak only the truth by virtue of an oath administered by the City Clerk, the following appeared:

Ms. Courtney Callahan, Attorney representing the applicant, stated that L'Ambiance was a 143-unit luxury condominium project on Galt Ocean Mile. She advised the project had been "in the pipeline" for a couple of years and had been hotly contested. She reported, however, that agreement had been reached with the two immediate neighbors – Galt Towers and the Galleon Condominium.

Ms. Callahan stated that a site plan application was before the Commission containing a request for a yard modification pertaining to setbacks and a conditional use related to height. She advised that the criteria contained in the Code required that a site plan prove to the Commission that it was superior in terms of neighborhood compatibility and adequacy. Ms. Callahan believed the site plan would be shown to be superior, and she pointed out that the DRC and the Planning & Zoning Board supported the application, the latter by a vote of 5 to 2.

Ms. Callahan said she was extremely comfortable that the site plan was neighborhood-friendly. She pointed out that Galt Ocean Mile was a strip of high-rise, high density, residential units located on the beach. It was unique in that it was the highest density on the beach and easily distinguished from any other area of the beach. She advised there were about 19 condominium buildings on the Galt Ocean Mile, ranging in height from 15 to 32 stories, oriented east to west. Ms. Callahan noted that the average east/west dimension was 226'.

Ms. Callahan advised that the L'Ambiance site was located in the middle of the Galt Ocean Mile between Galt Towers and the Galleon. The site was approximately 200' x 575', and compatibility had been the standard the design sought to achieve. She referred to the neighbor to the north, Galt Towers. Ms. Callahan said it was a 17-story condominium building containing 260 residential units. The Galleon to the south was 19 stories, and the design team had attempted to not just be compatible with the neighboring buildings but superior.

Ms. Callahan said that the design involved an extremely small footprint, and to place a recreation area above the garage at a height of only 11' above grade. She explained that the garage had been placed underground, and a lushly landscaped pool area with few obstructions was proposed. Ms. Callahan stated that the building had been oriented as far west as possible on the Galt Ocean Mile, which had a 100' platted setback. The building footprint was 130' x 160', with the pool deck to the east. Ms. Callahan felt the designers had done an excellent job of providing a very attractive, open vista for the building residents and their neighbors.

Ms. Callahan stated that this would be one of the smallest buildings in terms of the number of units on the Galt. She advised that density per acre had been considered, and this building was at the low end with 53 units per acre where 60 units per acre were allowed. Ms. Callahan noted that the prior Code had apparently allowed a higher density.

Ms. Callahan believed a main component in terms of compatibility involved parking and garages. She stated that the garages on the Galt generally ran from property line to property line, and there was frequently surface parking on top of the garages. She displayed photographs of the adjoining properties, as well as this project's contrasting lush landscape plan with a suppressed parking garage of 306 spaces. Overall, she believed this was an extremely attractive site plan, but another thing that was incredibly important to the neighbors was the preservation of views. Ms. Callahan presented slides showing existing views from nearby buildings and the view that would result upon construction of this building.

Ms. Callahan stated that another approach to the design had been taken through consideration of a traditional "as a right" Code building of 12 stories. She advised that produced an undesirable result for the neighbors, and she believed a better site plan had been achieved. Mayor Naugle asked if the building was seaward of the coastal construction line. Ms. Callahan believed part of the tower was seaward of the coastal construction line.

Mr. Charles Sieger, Architect representing the developer, advised that this building had been under design for the past two years. He displayed the building footprint and explained that a view corridor had been created taking into consideration the buildings to the north and to the south. Mr. Sieger explained this building would be withdrawn with only a slight portion extending into the existing view corridor, so existing views would be unobstructed.

At 9:17 P.M., Commissioner Smith left the meeting. He returned at 9:20 P.M.

Mr. Sieger explained the 200' maximum length of the garage needed to be exceeded because the garage had been suppressed so the cars would be covered with the exception of six valet spaces in the front. He stated that the garage would be longer and flatter rather than having a five- or six-story garage obstructing views. Mr. Sieger noted that the garage was covered with a pool and landscaping as mentioned earlier by Ms. Callahan.

Mr. Sieger advised that a series of step backs at the rooflines had been provided in the portion of the building that was taller than the adjoining buildings. He explained that a magnificent rotunda with a fountain had been designed for the front yard with lush landscaping and located a considerable distance from the street. Mr. Sieger said the intent of the request was to construct a building that would be the best neighbor possible. He thought it was clear that effort had been successful since agreement had been reached with the adjacent neighbors.

Ms. Michele Mellgren, Urban Planner representing the developer, described her background and experience. She discussed neighborhood compatibility and stated that this project was compatible in terms of the Code. Ms. Mellgren said she had been asked to examine this project to determine if it would be compatible with the surrounding area, and she had taken a comprehensive approach to ensure it would mesh with the overall neighborhood, the promenade, and to the immediate neighbors.

Ms. Mellgren stated that when professional planners examined neighborhood compatibility, they did not examine Code compliance or intangibles such as nearby rights-of-way. She understood that one of the issues was whether or not the developer could take advantage of a Code provision that allowed a setback reduction. However, when that issue was considered, compatibility had to be assessed in terms of neighboring properties as opposed to the property line itself.

Ms. Mellgren said she had found that this development would be compatible with the neighborhood. She pointed out that the neighborhood was high-rise, residential nature. Its character was older and newer in terms of urban design with few distinguishing features and limited pedestrian character landscaping by today's standards on the older properties. Ms. Mellgren advised the newer buildings had a pedestrian scale and orientation with submerged parking so landscaping and features could be provided.

Ms. Mellgren stated that with the extensive landscaping and features proposed, this building would be an asset to the area. Therefore, she found that it was clearly compatible with the fabric of the Galt Ocean Mile. She noted that the public promenade was an important feature of the area, and she felt this project would provide a seamless connection. In addition, in terms of the immediate neighbors, she had found that the building-to-building separation fell within the existing range of the area. Ms. Mellgren summarized that this project met all the neighborhood compatibility criteria from an urban planning standpoint.

Mr. Don Hall, Attorney representing applicant, referred to the request for application of a prior zoning regulation. He stated that prior to the adoption of the ULDR, there had been no length or width restriction on buildings in this zoning district or any other. With the adoption of the ULDR, a confusing provision had been added indicating that a multi-family residential structure could not exceed 200' in length. Mr. Hall's interpretation of that Section led him to believe that application of the prior zoning regulation was not necessary.

Mr. Hall explained that the parking garage was an accessory use prior to adoption of the ULDR and was an accessory structure today under the ULDR. The parking garage itself was not a multi-family residential structure, and that was the term used by the Code, so it was not regulated under this Section. Nevertheless, an application had been submitted, and staff agreed with the applicant that the five criteria had been met. Mr. Hall stated that staff's report did a very good job of dealing with this on pages 2 and 3.

Mr. Hall said that there were five criteria, and the first was whether or not a project was consistent with the goals, objectives and policies of the City's Comprehensive Plan. He noted that staff had found that Objective 19 was met in that this project would provide a development that was compatible with the neighborhood density and the City's plans for revitalization. It also met Objective 22, which called for encouraging quality development. Mr. Hall stated it met Objective 26 relating to coastal zone protection, and staff had found that there would be no effect on evacuation times or shelter because this project would be well below permitted density.

Mr. Hall advised that staff had found that subject to certain conditions, the second criteria relating to water, sewer, etc., was met by the project. The third criteria related to neighborhood compatibility, and he believed Ms. Mellgren's comments amplified staff's finding that the project was compatible with the neighborhood. He noted that the position of the building had been selected in order to preserve views and enhance the site, and the building itself was 130' x 160' so it was well within the 200' limitation contained in the ULDR. Mr. Hall explained only the parking garage exceeded that limitation, but it was not a multi-family residential structure, and it was suppressed with only 11' above grade. He also pointed out that it had been designed not to impede with views from neighboring properties.

Mr. Hall stated that one of staff's recommendations was that the northern setback be increased from 10' to 15', and the applicant had agreed to that condition. Therefore, unlike other parking garages on the Galt and unlike the immediate neighbors, this parking garage would not be on the property line. He advised that the fourth and fifth criteria required demonstration that restricting use of the property by applying the new zoning regulation resulted in a burden on the applicant that should not be imposed. In this case, imposing the 200' length was antithetical to good planning. He pointed out that building the garage with that limitation would result in a five-story garage.

Mr. Hall advised that the original plan for the building had involved 160 units and a 3-story parking garage. The neighbors had found that unacceptable, so the project had been scaled back to 143 units and a parking garage only 11' above grade. He believed the request involved the minimum relief necessary, and the relief itself protected the public good. Mr. Hall believed the project met all the criteria and was entitled to application of the prior zoning regulation.

Ms. Pat Hale, Alliance of Northeast Homeowners' Associations, stated that residents of the Galt did not support the requested variances to the Code. She thought the Commission should follow through with the regulations it adopted. Ms. Hale believed developers would save time and money if they knew the City would stand by its regulations. She thought the process would be shortened, and the Commission would not have to have these types of hearings.

Ms. Hale said she had been surprised to hear that the two neighboring condominiums now supported the project, and she wondered about the reason. She did not believe this building would be compatible with the neighborhood on this "pea sized" lot. Ms. Hale characterized the building as a "monster," and she believed a denial of this application would prevent such future applications.

Mr. Michael Astor, a resident of the Galt Ocean Mile, stated that there were over 10,000 residents on the Galt, and this was very important to all of them. He felt the pictures presented were beautiful, and the applicant's representatives had discussed a lot of nice things, but he believed a few things had been omitted. Mr. Astor said that all the lots on the Galt had originally been 200' wide, and every building on a 200' lot was less than 20 stories. He advised that the only buildings over 20 stories were on 400' double lots. Mr. Astor said this was a tiny lot, and he felt there were already too many people living on the Galt. He stated there were tremendous traffic problems, and he was concerned about what might happen if there was a hurricane.

Mr. Astor understood the setback was supposed to be half the height of the building, which was 290'. Therefore, a 145' setback was required on each side, but a setback of only 10' was proposed. He felt this would be a monstrosity on a tiny lot that would be longer, wider and taller than was allowed. If the Commission allowed this, Mr. Astor did not understand why a Zoning Code even existed. He believed the citizens had made it clear that they did not want these big developments.

Mr. Bob Rozema, President of the Galt Mile Community Association, distributed copies of a newsletter sent out some time ago indicating that the Association had voted on this project at least three times. Each of those votes had been in unanimous opposition to the width and height of the proposed building. He said he had read the Code Section related to yard modifications, and continuity of urban scale with adjacent properties was required, including height and relationship of building size to lot size. Mr. Rozema pointed out that the adjacent building was 170' tall and 80' wide, and the Galleon was 120' wide at its widest. He did not feel this project would be compatible.

Commissioner Smith noted that what the developer had the absolute right to build under the Code would be a long rectangular box up to 12 stories. He hoped everything had taken that into consideration. Commissioner Smith believed that would definitely block views and be incompatible with the neighborhood. Mr. Rozema said he would have supported a 20-story building with 25' setbacks.

Mr. Emilio DeFilippo, representing the Plaza South Association, was opposed to this project. He noted that there had been more than 200 residents at the Planning & Zoning Board meeting when this project had been discussed, and more than 125 residents of Plaza South had signed a petition against this project. Mr. DeFilippo stated that the Association was not opposed to redevelopment, but it was opposed to variations from established Code requirements. He also reminded the Commission that this had been a highly contested project.

Mr. Emerson Allsworth, representing the owners of the property in question, stated that the old hotel on the site would be demolished no matter what action the Commission took tonight. He thought that people might be overlooking the potential highest and best use of this property. Mr. Allsworth explained that if this project was defeated and his client retained ownership, he would proceed with the highest and best use of the property, which was a hotel with restaurant, bar, banquet facilities, etc. He hoped this project would be approved because his client did not believe he could move forward on any project better than the proposal under consideration.

Mr. Jon Sutz, a resident of Galt Towers, supported this development. He believed it would preserve the views of the ocean, the sun on the pool deck, and the property values. Mr. Sutz said that as long as the building was thin and narrow and pushed toward the street, he would support it. He pointed out that a long building stretching to the beach would obstruct views and sunlight at the Galt Towers. It was his understanding that the front of this building would be about the same distance from the street as the two adjoining buildings, and there would be a strip of views obstructed as a result, but the majority of the panoramic views would be preserved. He believed views of the ocean were the most important consideration when someone was going to purchase a beachfront condominium.

Mr. Astor noted that a 12-story building would be allowed, but he was sure no one would ever construct such a building because it would not be economically feasible.

Mr. Vinni Pershani, member of the Galleon Condominium Board of Directors, stated that there had been very discussions on this issue, and there had been a meeting today at which the Association agreed to support the original proposal even though there was little difference in the plan now and what had been denied two years ago. He did not know what had happened today to change the Association's position.

Mr. Chris Remmett, 65 Castle Harbor, felt this building would loom large over the Bermuda Riviera neighborhood. He thought it seemed ridiculous to put rules in place only to make exceptions later. Mr. Remmett did not see why area residents should subsidize the property owner getting a great price for the property by sacrificing their views and lifestyle.

Ms. Julia Jones, a resident of Sailboat Bend, said she was an 80-year resident of Fort Lauderdale, and she was sick and tired of high-rise buildings that stretched all the way from Port Everglades to Deerfield Beach.

Motion made by Commissioner Moore and seconded by Commissioner Smith that the public hearing be closed. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Mr. Hall pointed out that the applicant was not seeking any variances this evening. Rather, the applicant was asking the City Commission to apply criteria contained in the Code. He noted that the height permitted in this district was 300', and 10' setbacks were required on the sides if certain criteria were met. Mr. Hall noted that staff's report indicated that this project met the adequacy criteria, and this building represented a very sensitive planning approach to a parcel of property that took into consideration design criteria and impact on the surrounding neighborhood.

Mr. Hall believed this was the most pleasing development proposal for this parcel that would ever be presented. He noted that some of the speakers had wondered why the City would have a zoning Code if exceptions were going to be made, but the Code itself contained the criteria, and this project met that criteria.

Commissioner Katz asked if balconies were provided on the north side of the building. Mr. Hall replied that there were bay windows on the north side. *Mr. Charles Sieger*, Architect, advised that the bay windows extended 3' as allowed by the Code.

Mayor Naugle asked the applicant's representatives to address the agreement reached with the adjoining Condominium Associations. Mr. Hall advised that the agreement had specified the design criteria, which were as presented in the site plan with the exception that the setback on the north would be 15' rather than 10' as suggested by staff. The agreement also contained certain best management practices during the construction, as well as acceptance of liability for any damage caused to neighboring properties during the process.

Mayor Naugle asked if there had been any compensation involved in the agreement. Mr. Hall replied there had been compensation, but he was not free to discuss it in detail as a representative of only one party to the agreement. He stated that if the other two parties were willing to disclose additional information, however, he would have no objection.

Commissioner Hutchinson was concerned because up until this morning both of the adjoining properties had opposed this project. She was surprised agreement had been reached so suddenly, and she wondered if monetary compensation had been the deciding factor.

Mr. Jim Brady, Attorney representing the Galt Towers and the Galleon Condominiums, advised that he had not reviewed the agreement and only took his direction from the Associations' Board of Directors. He had been instructed not to oppose this application this evening.

Mr. Ed Harmon, President of the Galleon Condominium, stated that there had been a hectic two years of fighting and, despite reservations, everyone was tired of the fight and ready to accept the inevitable.

Ms. Dorothy Bloom, resident of the Galt Towers, stated that there had been a couple of busloads of residents prepared to appear this evening. However, late this afternoon they had learned that the Board of Directors had made a deal. Ms. Bloom stated that the large majority of the residents were opposed to this deal because they wanted to preserve space between the buildings on the Galt Ocean Mile. Commissioner Smith wondered why the other residents had not appeared tonight, and Ms. Bloom replied they had been told this was a "done deal" and they would be wasting their time. There had also been concerns about the cost of pursuing this fight.

Commissioner Smith was disappointed that anyone would think anything coming before the Commission was a "done deal." If the money was more important to residents, he would not object, but he wanted free input from the public.

Commissioner Katz thought this would be a beautiful project, and it appeared the developer had tried to consider the neighborhood by pushing the building as far west on the site as possible. She had heard from people who supported the project and from those who objected, so the issue was not entirely one-sided. Commissioner Katz had been hopeful that agreement would be reached, although not through monetary compensation.

Commissioner Katz said her concern was neighborhood compatibility, and she felt that would require greater setbacks from the property line. She wondered if the applicant would consent to reduce the height and provide 25' setbacks from the property line. In that case, she believed everyone would feel better about the project.

Before proceeding further, each member of the City Commission disclosed that they had received many communications from area residents and members of the development team with respect to this project.

Mr. Hall advised that the applicant could eliminate one story and add an additional 2' to the setback on the north side, for a total setback on that side of 17'. He noted that would cost the applicant about \$5 million, but the northern setback could not be increased beyond 17'. Mr. Sieger explained there were some peripheral Code issues that impacted the plan, including Americans with Disability Act and Fair Housing Code requirements. He stated that these requirements affected the sizes of the rooms, and to reduce setbacks further would make the apartments not marketable by today's standards.

Mayor Naugle noted that the larger buildings on the Galt Ocean Mile were on larger lots. He felt a building that would be compatible with the neighborhood would be a lower structure. Mayor Naugle also felt the charts about density were a little misleading because these units were much larger than the typical units. He understood people wanted big apartments, but this made the building much larger, so measuring just the number of units did not reflect the bulk of the building. Mayor Naugle also pointed out that prior to the 1995 "Hanbury amendments" to the Code, the density allowed had been 40 units per acre. He thought an 18- or 20-story building would be more appropriate on this property.

Commissioner Smith believed everyone agreed the old building should be demolished and a residential use provided. However, this project appeared to be "pushing it to the limit." His primary concern was the side yard setback, and he felt a minimum reasonable setback would be 20'. Commissioner Smith also hoped everyone understood that no variance was being requested in this case. He favored redevelopment on this parcel, but he did not think buildings should be only 20' apart.

Commissioner Katz believed the concerns were air, light and scale. This lot was only 200', and she felt placing something 10' or 15' from the property line at this height was simply too massive. Commissioner Katz did not want to see someone come along and build a hotel, but the size of the lot had to be considered.

Commissioner Hutchinson was uncomfortable with the size of the building and the lot. However, she did like certain aspects of the project, such as the submerged parking. Nevertheless, she felt the building was too large for the lot.

Commissioner Smith wondered if the developer had any new thoughts. Mayor Naugle believed that even if there were some new thoughts, they could not be adopted this evening. Commissioner Smith believed this item could be deferred for staff and Planning & Zoning Board review. Mayor Naugle pointed out that if this request was denied another plan could be submitted to the City, so there was no need for deferral.

Mr. Taft Bradshaw, Landscape Planner representing the applicant, agreed the Galt Ocean Mile was a wonderful community, and the beautiful landscaped deck above the garage would enhance views. In addition, he felt how setbacks were treated was more important than the width of the setback itself.

Mr. Sieger believed the building width could be narrowed by 2', and 3' could be added to the south. That would accommodate a 20' setback on both sides of the building. He noted that Mr. Hall had already indicated that the building height could be reduced by one story.

Commissioner Smith introduced the following ordinance on first reading:

ORDINANCE NO. C-00-

AN ORDINANCE APPROVING THE APPLICATION OF A PRIOR ZONING REGULATION TO PERMIT PROPERTY DESCRIBED AS LOT 22, BLOCK 34, OF "GALT OCEAN MILE ADDITION NO. 2", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 58, PAGE 24, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE EAST SIDE OF GALT OCEAN DRIVE, NORTH OF NORTHEAST 41ST STREET AND SOUTH OF THE INTERSECTION OF GALT OCEAN DRIVE AND STATE ROAD A-1-A, WHICH PROPERTY IS ZONED RMH-60 TO BE USED FOR A MULTIPLE FAMILY STRUCTURE THAT EXCEEDS THE 200 FOOT LENGTH LIMITATION, PURSUANT TO SECTION 47-26.A.1. OF THE UNIFIED LAND DEVELOPMENT REGULATIONS.

Which ordinance was read by title only. Roll call showed: YEAS: none. NAYS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle.

Commissioner Moore hoped the Commission could specify a certain setback for the developer to consider. He said he would be willing to consider a 25-story building with 20' setbacks on each side.

**Site Plan Approval/Modification of Yards/
Conditional Use/RMH-60 – L'Ambiance
Beach Ltd. (PZ Case No. 67-R-99) (PH-5B)**

This item was not presented due to the action taken by the City Commission under Item PH-5A.

**Amend Sections 47-12, 47-23.6, 47-24 and 47-25 –
Central Beach Districts and Permitted Use Change
to the PRD, ABA, IOA, SBMHA, NBRA and SLA Zoning Districts (O-1)**

An ordinance was presented amending Section 47-12, "Central Beach Districts," and Section 47-23.6, Section 47-24, and Section 47-25 of the ULDR regarding the North and Central Beach Moratoria. Ordinance No. C-00-26 was published on May 9, 2000 and was approved on first reading at the Regular Meeting of May 16, 2000 by a vote of 4 to 1 (Moore).

Ms. Alysian Childs, President of the Central Beach Alliance, stated that the zoning in progress list was still under consideration, and there were some concerns about the 200' building limitation.

Commissioner Katz inquired about the development of the Birch Las Olas parking lot. She understood no one would be able to develop it with the 200' limitation. Commissioner Smith believed there could be an exception granted in the PRD and ABA districts that would address that issue. Mr. Chris Wren, Manager of Community and Comprehensive Planning, agreed that was correct. He noted it could only be requested in the east/west direction in the ABA district. Commissioner Smith understood this would be a zoning in progress issue until a final decision was made by the Commission.

Mayor Naugle felt comfortable moving forward with the 200' limitation now, but he would be satisfied now with zoning in progress until a final decision was made at a later date.

Motion made by Commissioner Moore and seconded by Commissioner Smith to implement zoning in progress requiring a 200 foot maximum width and length of structures in PRD and ABA with the right to modify pursuant to Site Plan Level IV review, only permitting a modification of the east/west direction in the ABA zoning district. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-00-26

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-12, "CENTRAL BEACH DISTRICTS" TO REVISE CRITERIA FOR MODIFICATION OF YARDS, TO APPLY REQUIREMENTS FOR WATERWAY USES, TO REVISE THE LIST OF PERMITTED USES IN PRD, ABA, SLA, IOA, AND SBMHA DISTRICTS; TO ESTABLISH WIDTH AND LENGTH OF BUILDINGS AND DISTANCE BETWEEN BUILDING REQUIREMENTS, AMENDING SECTION 47-23.6, "BEACH SHADOW RESTRICTIONS" TO REVISE MEASUREMENT FOR SETBACKS, AMENDING TABLE 1 OF SECTION 47-24, "DEVELOPMENT PERMITS AND PROCEDURES" TO APPLY ADEQUACY AND COMPATIBILITY CRITERIA TO CENTRAL BEACH DEVELOPMENTS; AMENDING SECTION 47-25.2 "ADEQUACY REQUIREMENTS" TO REQUIRE HURRICANE EVACUATION REVIEW; AMENDING SECTION 47-25.3, "NEIGHBORHOOD COMPATIBILITY REQUIREMENTS" TO INCLUDE THE DESIGN GUIDELINES IN THE ULDR, AND TO REVISE AND APPLY THEM TO THE RMH-25, RMH-60 AND RMM-25 ZONING DISTRICTS EAST OF THE INTRACOASTAL WATERWAY.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Amendment to Chapter 2 –

Lobbying Activities/Registration (O-2)

An ordinance was presented creating a new Article VIII of Chapter 2, "Administration," of the City's Code of Ordinances entitled "Lobbying Activities," to define lobbyists and lobbying activities; to require registration of and statements by lobbyists; and, to prohibit lobbying by certain prior City officials and employees for a period of time after leaving the City. Ordinance No. C-00-27 was published on May 6, 2000 and was passed on first reading at the Regular Meeting of May 16, 2000 by a vote of 5 to 0.

Commissioner Hutchinson had some concerns about Level 3 employees. She was not sure why the Commission had decided to include them, and she was not sure how staff would deal with the ordinance. The City Attorney stated that it was the lobbyists' responsibility to register and file the necessary forms. Commissioner Hutchinson wondered how the ordinance could be enforced. The City Attorney believed there would be voluntary compliance for the most part and, as a practical matter, staff would let people they dealt with know they had to comply with this ordinance. He stated that copies of the ordinance would be made available to those who were likely lobbyists. However, if there were blatant violations, they would likely be noticed and the ordinance enforced as necessary.

Commissioner Hutchinson asked if a Level 3 employee was considered a decision-maker who the Commission would want to restrict if they left City employment. The City Manager stated that Level 3 employees could have the opportunity or ability to influence decision-makers or advisory bodies.

Commissioner Katz wondered if including Level 3 employees was going too far. She had also received a letter from Attorney Bill Leonard, and there were some questions that had not been addressed. For example, she wondered if an attorney had to sign up to bring each item to the City Commission or if he could register once a year. The City Attorney had not received Mr. Leonard's letter, but the requirement for registration was keyed to the principal being represented. Thus, if there was an ongoing relationship with a certain hotel owner, and an attorney appeared before the Commission throughout the year on various items related to the hotels owned by that individual, the attorney would only have to register one time. If the attorney were representing someone else, he would have to register again. He explained the idea was to know who was being represented when elected or appointed officials were contacted.

Mayor Naugle thought it would be easy to keep track of these things because attorneys billed for their hours and kept detailed records. Commissioner Katz wondered about an attorney inquiring about a potential project to determine if a project might be feasible. Commissioner Smith believed inquiries were different from lobbying efforts. Mayor Naugle pointed out that people could obtain opinions from professionals if they just wanted to determine if a particular project would be feasible, for example, based on the understanding of the law. The City Attorney stated that if there were nothing more than a request for information, this ordinance would not apply because that would not be a lobbying contact.

Mayor Naugle said he had written to Mr. Leonard indicating that more and more cities had these types of ordinances because it was the type of thing the public wanted. They felt they had a right to know things and that deals were not being done in the "back room." Mayor Naugle thought people would just have to get used to it. He noted that there had been discussion about preparing some sort of reference guide about the ordinance for distribution in easy to understand language. Mayor Naugle was sure attorneys would have no problem understanding the ordinance.

Commissioner Smith stated that there were lots of inquiries about provisions of the Code, and he hoped the manual would spell out that inquiries were not the same as lobbying, and asking questions was not the same as pushing for a project. He felt there should be some clear delineating between making inquiries and putting forth a project. Commissioner Hutchinson understood instructions would be provided for the public, but she thought staff had questions as to how this ordinance might affect them. She wanted them to understand how they fit into the process.

Commissioner Moore did not feel this ordinance was necessary, and he had always felt that way, but there had not been a law written that did not have some gray areas. He thought a few employees in Level 3 could be specifically identified rather than including all Level 3 employees. For example, he felt it might be necessary to include Assistants to the City Manager, the City Clerk, the Planning & Zoning Manager, and the Economic Development Manager. Commissioner Moore felt the Commission was making this ordinance much more complicated every time it was discussed. He preferred that it be kept simple to satisfy the majority of the Commission.

Commissioner Hutchinson asked that the City Manager bring back a recommendation along the lines of Commissioner Moore's suggestion. Mayor Naugle suggested the Commission proceed with inclusion of Level 1, 2 and 3 employees and ask the City Manager which Level 3 employees he felt should be deleted from the ordinance at a later date. Commissioner Smith understood there would be no fee for registration. The City Clerk agreed that was correct, but if the process proved to be labor intensive, a fee could be considered later. Commissioner Smith asked that staff also keep the Commission informed if it seemed as if the same lobbyists were registering with different clients again and again.

Commissioner Hutchinson thought a lobbyist could register once and list all their clients. That was the way she had envisioned it, and names could be added to the list as they acquired new clients. Commissioner Katz felt it would be appropriate if lobbyists registered once a year. Commissioner Hutchinson agreed as long as new clients were added to the list as necessary. Commissioner Moore concurred. He suggested the ordinance be amended accordingly. It was agreed.

Commissioner Moore introduced the following ordinance, as amended, on second reading:

ORDINANCE NO. C-00-27

AN ORDINANCE CREATING A NEW ARTICLE VIII OF CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED LOBBYING ACTIVITIES, TO PROVIDE FOR DEFINITIONS OF LOBBYISTS AND LOBBYING ACTIVITIES; TO REQUIRE REGISTRATION OF AND STATEMENTS BY LOBBYISTS, AND TO PROHIBIT LOBBYING BY CERTAIN PRIOR CITY OFFICIALS AND EMPLOYEES FOR A PERIOD OF TIME AFTER LEAVING THE CITY.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Broward County Planning Council – Recertification of City
Future Land Use Map and Text for Northwest Regional
Activity Center (NW-RAC) Land Use Designation (R-1)**

A resolution was presented requesting the Broward County Planning Council to recertify that portion of the City located west of Flagler Avenue, north of Broward Boulevard, and south of Sunrise Boulevard as the Northwest Regional Activity Center (NW-RAC) by recertifying the text describing the area and the land use map depicting the area.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-66

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REQUESTING THE ADMINISTRATOR OF THE BROWARD COUNTY PLANNING COUNCIL TO RECERTIFY THE CITY'S AMENDED FUTURE LAND USE ELEMENT AND MAP.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Agreements – State of Florida Department of Education and School Board of Broward County – Summer Food Service Program (R-2)

A resolution was presented authorizing the proper City officials to apply for a grant from the State of Florida Department of Education for approximately \$177,700 (on a reimbursable basis) for the Summer Food Service Program; authorizing the proper City officials to execute all documents necessary to accept such grant funds; and, further authorizing the proper City officials to execute an agreement with the School Board of Broward County to provide food preparation services.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-67

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR A GRANT FROM THE STATE OF FLORIDA DEPARTMENT OF EDUCATION FOR APPROXIMATELY \$177,700.00 IN FUNDING, ON A REIMBURSABLE BASIS, FOR THE SUMMER FOOD SERVICE PROGRAM OF THE CITY OF FORT LAUDERDALE AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ANY DOCUMENTS NECESSARY TO OBTAIN AND UTILIZE SAID GRANT FUNDS.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Designation of State Road A-1-A as a Florida Scenic Highway (R-3)

A resolution was presented supporting an initiative to designate State Road A-1-A, within Broward County, as a Florida Scenic Highway.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-68

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING AN INITIATIVE TO DESIGNATE STATE ROAD A1A WITHIN BROWARD COUNTY AS A FLORIDA SCENIC HIGHWAY.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Increase Scope of Services – Wickwire Gavin, P.C. –
Project 9285 – Environmental Protection Agency (EPA)
Grant Disputes – Compost Plant (R-4)**

A resolution was presented authorizing additional services for Wickwire Gavin, P.C., in an amount not to exceed \$30,000 to conclude negotiations with the EPA on the Compost Plant grant disputes.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-69

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION NO. 98-55 IN ORDER TO INCREASE THE MAXIMUM AMOUNT OF COMPENSATION TO BE PAID TO SPECIAL COUNSEL, WICKWIRE GAVIN, P.C. _____

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Special Assessment – Project 9733 – BridgeSide Square
Beautification/Revitalization Special Assessment Project (R-5)**

A resolution was presented declaring the City's intention to make beautification/revitalization improvements within the BridgeSide Square area; describing the nature and location of the proposed improvements; providing for the estimated cost of the improvements; providing for the manner in which said assessments shall be made; when said assessments are to be paid; and, designating the lands upon which the special assessments shall be levied. (Also see Item R-6 on this Agenda).

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. A-00-16

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING THE INTENT TO INSTALL RIGHT-OF-WAY, LIGHTING, DRAINAGE, LANDSCAPING AND OTHER IMPROVEMENTS IN THE AREA KNOWN AS THE BRIDGESIDE SQUARE COMMUNITY AND TO DEFRAY THE EXPENSE BY SPECIAL ASSESSMENTS; DESCRIBING THE NATURE AND LOCATION OF THE PROPOSED IMPROVEMENTS; PROVIDING FOR THE ESTIMATED COST OF THE IMPROVEMENTS; PROVIDING FOR THE MANNER IN WHICH SAID ASSESSMENTS SHALL BE MADE, WHEN SAID ASSESSMENTS ARE TO BE PAID AND DESIGNATING THE LANDS UPON WHICH THE SPECIAL ASSESSMENTS SHALL BE LEVIED. _____

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Schedule Public Hearing – Special Assessment –
Project 9733 – BridgeSide Square Beautification/
Revitalization Special Assessment Project (R-6)**

A resolution was presented authorizing the City Commission to set a date and time of July 6, 2000 at 6:00 P.M. for a public hearing on the BridgeSide Square Beautification/Revitalization Special Assessment project and special assessment roll. (Also see Item R-5 on this Agenda).

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. A-00-17

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING THE DATE, TIME AND PLACE TO HOLD A PUBLIC HEARING AT WHICH OWNERS OF PROPERTY TO BE SPECIFICALLY ASSESSED AND OTHER INTERESTED PERSONS MAY APPEAR TO BE HEARD ON THE BRIDGESIDE SQUARE BEAUTIFICATION/REVITALIZATION SPECIAL ASSESSMENT PROJECT; PROJECT NO. 9733, AND THE SPECIAL ASSESSMENTS PROPOSED TO BE LEVIED TO PAY THE COST FOR SUCH IMPROVEMENTS.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Lot Clearing and Cleaning Charges (R-7)

A resolution was presented authorizing the imposition of liens against certain properties for costs associated with clearing and removal of debris located thereon.

Commissioner Smith noted that one of the properties on the list was now above the lien threshold. He wondered how quickly it could be processed for foreclosure. Ms. Lori Milano, Community Inspections Bureau, asked him which property he was discussing, and Commissioner Smith replied he was referring to 633 Northeast 5th Terrace. Ms. Milano advised the case could be forwarded to the City Attorney's Office for action once a lien was recorded. She stated that staff would proceed as quickly as possible.

Commissioner Smith hoped staff would move with all due haste because this property was being kept in such a condition that it was thwarting neighborhood improvement efforts. Ms. Milano agreed to do so.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-70

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF CLEARING LOTS FOUND TO HAVE AN UNLAWFUL OR EXCESSIVE ACCUMULATION OF RUBBISH, DEBRIS OR TRASH UNDER CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA AND IMPOSING SPECIAL ASSESSMENT LIENS AGAINST SUCH PROPERTIES FOR THE COST AND EXPENSE INCURRED IN CLEANING AND CLEARING SAME; AUTHORIZING AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD A NOTICE OF SPECIAL ASSESSMENT LIEN IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Building Board-Up and Securing Charges (R-8)

A resolution was presented authorizing the proper City officials to impose liens against certain properties for costs associated with boarding and securing the buildings located thereon.

Mayor Naugle said he had been informed that the “slumlord” on Wingate Road had boarded up the buildings as of this afternoon. Commissioner Moore thought it had been a waste of money and wondered how much it had cost the City. The City Manager said he would provide that information but, just before demolition on Thursday, the plywood would be retrieved and recycled. Therefore, he believed the cost had been minimal. Mayor Naugle believed the money had been well spent to prevent criminal activity.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-71

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CHARGING AND ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF SECURING AND BOARDING UP BUILDINGS LOCATED THEREON WHICH WERE FOUND UNSAFE UNDER SECTION 202 OF THE SOUTH FLORIDA BUILDING CODE AND IMPOSING LIENS AGAINST SUCH PROPERTIES; AUTHORIZING AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD CLAIMS OF LIEN AGAINST THE PROPERTIES IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Executive Airport – Supplemental Joint Participation Agreement (JPA) – Florida Department of Transportation (FDOT) – Perimeter Road Drainage and Access Improvements (R-9)

A resolution was presented authorizing the proper City officials to execute a JPA with the FDOT for the City to accept an additional \$320,000 in grant funds to raise the State's level of participation in the Perimeter Road Drainage and Access Improvements project to \$360,000.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-72

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING AN ADDITIONAL GRANT FOR PARTIAL FUNDING FOR THE DESIGN AND CONSTRUCTION OF ACCESS ROAD IMPROVEMENTS TO THE NORTHERN SIDE OF THE FORT LAUDERDALE EXECUTIVE AIRPORT; AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION TO RECEIVE SUCH GRANT FUNDING (WPI NO. 4820364).

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Amendment to Approved Yard Modification – Jackson Tower East (PZ Case No. 90-R-97) (R-10)

A resolution was presented authorizing an amendment to the approved yard modification for Jackson Tower East to account for a four-inch column encroachment.

Commissioner Smith wanted some assurances from the developer at this point. Mayor Naugle believed that if this was not approved, the developer would have to start over and recover costs from the surveyor or architect or whoever was responsible for the error.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION NO. 98-12 GRANTING A BEACH DEVELOPMENT PERMIT FOR THE DEVELOPMENT OF A CONDOMINIUM TOWER AND APPROVAL OF A SETBACK REDUCTION ON PROPERTY LOCATED AT 2925 POINSETTIA STREET, IN FORT LAUDERDALE, FLORIDA, IN A PRD ZONING DISTRICT AS A DEVELOPMENT OF SIGNIFICANT IMPACT TO APPROVE MODIFICATION OF A SIDE YARD.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore and Katz. NAYS: Commissioners Smith, Hutchinson, and Mayor Naugle.

This item was subsequently reconsidered. See page 47.

Amendment to Approved Site Plan/Expansion of Broward County Convention Center (PZ Case No. 5-R-99) (R-11)

A resolution was presented authorizing an amendment to the approved site plan for the Broward County Convention Center.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 00-73

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN AMENDMENT TO RESOLUTION NO. 99-8 WHICH APPROVED THE USE AND SITE PLAN FOR CERTAIN PROPERTY LOCATED WITHIN A PEDD ZONING DISTRICT LOCATED AT 1950 EISENHOWER BOULEVARD, FORT LAUDERDALE, FLORIDA TO PERMIT EXPANSION OF THE BROWARD COUNTY CONVENTION CENTER AND TO CONSTRUCT A PARKING LOT.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Declare Public Necessity to Acquire Hyde Park Market Property (R-12)

A resolution was presented declaring a public necessity to acquire the Hyde Park Market property.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-74

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING THE ACQUISITION OF REAL PROPERTY IN TRACTS 1, 2, 3, 4 AND 5 OF "BURNHAM'S SUBDIVISION" OF A PORTION OF BLOCK "I", PLAT BOOK 15, PAGE 29, AS NECESSARY FOR PUBLIC USE AND FOR THE MUNICIPAL PURPOSE OF PROVIDING LANDS FOR PARK, OPEN SPACE, RECREATION, RIVER ACCESS AND HISTORICAL PRESERVATION, OR ANY OF SUCH USES INDIVIDUALLY OR IN COMBINATION; DECLARING SUCH USES TO BE FOR A PUBLIC PURPOSE; DECLARING THE ACQUISITION OF SAID PROPERTY TO BE NECESSARY FOR A PUBLIC PURPOSE; AUTHORIZING THE ACQUISITION OF SAID PROPERTY BY DONATION, PURCHASE OR EMINENT DOMAIN; AND PROVIDING FOR AN EFFECTIVE DATE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

**Amendment to Approved Yard Modification –
Jackson Tower East (PZ Case No. 90-R-97) (Continued from Page 45) (R-10)**

There was a member of the public who indicated a desire to address this item. Commissioner Smith said he wanted to do the responsible thing, but if Mayor Naugle felt the action taken had been appropriate, he supported the idea. Commissioner Moore thought the Commission should do the right thing and let this individual provide input, but he had not been on the prevailing side of the vote. Mayor Naugle thought the Commission would be in a better position should a challenge be filed if opportunity for comment was offered.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to reconsider this item. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Having affirmed to speak only the truth by virtue of an oath administered by the City Clerk, *Mr. Richard Berie*, Architect representing the developer, said that the plans showed the building within the required setbacks and with no encroachments except for a fountain designed to enhance the pedestrian environment. He stated that the column in question, which encroached 4", had not been installed incorrectly by intent.

Mr. Berie stated that the building was almost completed, and this error had been discovered during a survey. He advised that cutting the column back 4" would expose the steel, which would rust. Mr. Berie noted that the drawings had involved over 500 sheets, and this had been an oversight. He hoped this mistake would not put him out of business and requested a little leniency for a human error.

Commissioner Hutchinson asked who had discovered the error. Mr. John Smith, Building Official, replied that the applicant had discovered the error and notified the City. Commissioner Hutchinson stated that Jackson Towers had not been a good neighbor, but she understood the problem.

Ms. Alysian Childs, Central Beach Alliance, said that Jackson Towers had not been a good neighbor, but they had been working with area residents since the City had shut down the construction. She wanted some assurances that the City would continue to monitor this site closely. Ms. Childs was not thrilled about the 4" encroachment, but she would not object as long as the neighbors were protected from damages.

Mayor Naugle recalled similar circumstances with the Casa Riviera project. He stated that an architect had made a mistake, and the building had encroached 4' into the setback. Mayor Naugle said the case had gone to court, and the owner had not been required to demolish the building. Therefore, although he would love to see Jackson Towers demolished, he thought it was likely the developer would prevail in court.

Mayor Naugle had understood that some orange fabric material to protect surrounding properties from construction debris had not been utilized as promised. A different material had been used, which had proven inadequate, and he wanted to see the proper material installed from floor to ceiling on each story as the work progressed until windows were installed. He also thought the developer should put up \$100,000 to pay for damage to autos and other personal property. Mayor Naugle did not think a repainted car was as good as one with an original paint job.

Commissioner Smith also felt some type of bond or insurance policy should be required because the developer had not had a good record in this respect. Although the situation seemed to be improving, that had not been the case throughout the construction, and Commissioner Smith felt the neighbors deserved assurances that there would be no more destruction of their property.

Mr. John Doyle, developer of Jackson Towers and one-third owner of the property, said he had spoken with Ms. Childs before the meeting, and he had agreed to provide insurance to the extent necessary. He believed the Portofino and Leisure Beach Condominiums could be named as additional insureds on the general contractor's policy and, perhaps, the owner's policy. Mr. Doyle said he would deliver that to the extent such coverage was available.

Mr. Doyle stated that orange fabric had been installed. Commissioner Smith did not believe it was the proper type. Mr. Doyle acknowledged the difference. He stated that when there was concrete work being done, a black, more dense mesh screening would be installed as well. Commissioner Smith agreed that would work. Mr. Doyle added that members of the Central Beach Alliance had also been invited to inspect the site each week.

The City Attorney stated that the owners of properties within the two adjacent condominiums could be included as additional insureds on the insurance policy so they could file direct claims in the event of damages. The Commission agreed to approve this item subject to this additional insurance.

Commissioner Moore introduced a written resolution, as amended, entitled:

RESOLUTION NO. 00-75

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION NO. 98-12 GRANTING A BEACH DEVELOPMENT PERMIT FOR THE DEVELOPMENT OF A CONDOMINIUM TOWER AND APPROVAL OF A SETBACK REDUCTION ON PROPERTY LOCATED AT 2925 POINSETTIA STREET, IN FORT LAUDERDALE, FLORIDA, IN A PRD ZONING DISTRICT AS A DEVELOPMENT OF SIGNIFICANT IMPACT TO APPROVE MODIFICATION OF A SIDE YARD.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

Advisory Board Appointments (OB)

As discussed in Conference, the City Clerk announced that names of the appointees/reappointees who were the subject of this resolution:

Northwest-Progresso-Flagler Heights
Redevelopment Advisory Board

Kevin Buckley

Board of Adjustment

Anthony Abbate
Milton Jones
John Jordan
Charlene Bender
Gus Carbonell, Alternate

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 00-76

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT
LAUDERDALE, FLORIDA, APPOINTING BOARD MEMBERS AS SET FORTH
IN THE EXHIBIT ATTACHED HERETO AND MADE A PART HEREOF.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz, and Mayor Naugle. NAYS: none.

At 11:42 P.M., Mayor Naugle adjourned the meeting.

Jim Naugle, Mayor

ATTEST:

Lucy Masliah, City Clerk